

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1919

H.P. 1420

House of Representatives, March 15, 2004

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

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLCENT M. MacFARLAND
Clerk

Presented by Representative BRANNIGAN of Portland. (GOVERNOR'S BILL)
Cosponsored by Senator CATHCART of Penobscot.

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

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)
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

2 Internal Control Specialist, Public Service Coordinator I
 4 position in the Accounts and Control operations account. This
 6 reorganization will be self-funded through a permanent reduction
 8 to All Other in both the Accounts and Control operations account
 10 and the Accounts and Control systems account.

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

12 **Central Services - Purchases 0004**

14 Initiative: Provides for the elimination of one vacant Central
 16 Services Supervisor position from the Bureau of General Services
 18 - Central Services Internal Services Fund for the purpose of
 20 providing a headcount in the Workers' Compensation Management
 22 Fund for the continuation of one Employment Benefits Technician
 position established by Financial Order 06317F4, 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.

24	Postal, Printing and Supply Fund	2003-04	2004-05
26	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(52,063)
28	Postal, Printing and Supply		
30	Fund Total	<u>0</u>	<u>(52,063)</u>

30 **Central Motor Pool 0703**

32 Initiative: Provides for the allocation of funds to reorganize
 34 one Central Fleet Manager position to a Public Service Manager II
 36 position and one Statistician II position to a Statistician III
 38 position, the result of a reorganization of duties within the
 Bureau of General Services.

40	Central Motor Pool	2003-04	2004-05
	Personal Services	0	19,362
42	Central Motor Pool Total	<u>0</u>	<u>19,362</u>

44 **Accident-Sickness-Health Insurance 0455**

46 Initiative: Provides for the deallocation of funds from the Trade
 48 Adjustment Assistance Health Insurance Federal Fund program to
 50 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

2 and reporting for these funds. It corrects the FTE hours to
 4 Legislative Count and it also provides for the allocation of
 funds to the Trade Adjustment Insurance Other Special Revenue
 Funds account for the pass through of trade adjustment dollars.

6	Federal Expenditures Fund	2003-04	2004-05
8	Positions - FTE Count	(-2.000)	(-2.000)
	Personal Services	(76,378)	(76,378)
10	All Other	(20,000)	(20,000)
12	Federal Expenditures Fund Total	<u>(96,378)</u>	<u>(96,378)</u>

12 **Accident-Sickness-Health Insurance 0455**

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

20	Accident, Sickness and Health Insurance		
22	Internal Service Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
24	Personal Services	0	49,632
26	Accident, Sickness and Health		
	Insurance Internal Service Fund		
28	Total	<u>0</u>	<u>49,632</u>

30 **Workers' Compensation Management Fund Program 0802**

32 Initiative: Provides for the allocation of funds and establishes
 34 headcount to continue one Employment Benefits Technician position
 36 and one Clerk Typist II position established by Financial Order
 00317F4, in accordance with Public Law 2003, chapter 20, Part D,
 38 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.

44	Workers' Compensation Management Fund	2003-04	2004-05
46	Positions - Legislative Count	(0.000)	(2.000)
	Personal Services	0	104,562
48	Workers' Compensation Management		
50	Fund Total	<u>0</u>	<u>104,562</u>

2 **Workers' Compensation Management Fund**
Program 0802

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

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

14 **Trade Adjustment Assistance Health**
Insurance 9999

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

26	Federal Expenditures Fund	2003-04	2004-05
28	Positions - Legislative Count	(2,000)	(2,000)
	Personal Services	76,378	76,378
30	All Other	20,000	20,000
32	Federal Expenditures Fund Total	<hr/> 96,378	<hr/> 96,378

34	Other Special Revenue Funds	2003-04	2004-05
	All Other	1,200,000	1,200,000
36		<hr/>	<hr/>
38	Other Special Revenue Funds Total	1,200,000	1,200,000

40 **Capital Construction/Repairs/Improvements -**
Admin 0059

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

44	General Fund	2003-04	2004-05
46	All Other	0	102,200
48	General Fund Total	<hr/> 0	<hr/> 102,200

50 **Buildings and Grounds Operations 0080**

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

8	General Fund	2003-04	2004-05
	All Other	0	379,728
10	General Fund Total	<hr/> 0	<hr/> 379,728

12 **Departments and Agencies - Statewide 0016**

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

20	General Fund	2003-04	2004-05
22	All Other	16,000	20,000
24	General Fund Total	<hr/> 16,000	<hr/> 20,000

26 **Departments and Agencies - Statewide 0016**

28 Initiative: Deappropriates and deallocates Personal Services
savings in fiscal years 2003-04 and 2004-05 from the workers'
30 compensation line achieved through a reduction in claims from
aggressive claims management.

32	General Fund	2003-04	2004-05
34	Personal Services	(232,118)	(426,925)
36	General Fund Total	<hr/> (232,118)	<hr/> (426,925)

38	Highway Fund - (Informational)	2003-04	2004-05
40	Personal Services	(75,121)	(187,100)
42	Highway Fund - (Informational) Total	<hr/> (75,121)	<hr/> (187,100)

44 **Departments and Agencies - Statewide 0016**

46 Initiative: Deappropriates and deallocates funds for health
insurance as a result of a negotiated rate that is less than what
was anticipated.

48	General Fund	2003-04	2004-05
50	Personal Services	0	(400,000)

2	General Fund Total	0	(400,000)
4	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	0	(190,000)
6			
	Highway Fund - (Informational) Total	0	(190,000)
8			
	Departments and Agencies - Statewide 0016		
10	Initiative: Deappropriates funds in the All Other line category		
12	from Departments and Agencies - Statewide from projected energy		
	savings in reduced electricity costs.		
14			
	General Fund	2003-04	2004-05
16	All Other	0	(750,000)
18			
	General Fund Total	0	(750,000)
20			
	Departments and Agencies - Statewide 0016		
22	Initiative: Appropriates funds to offset a deappropriation of		
24	\$1,000,000 in Public Law 2003, chapter 451, Part C. The		
26	projected savings will be achieved from a restructuring of the		
	ACE service cluster and through a deappropriation of energy		
	savings from Departments and Agencies - Statewide.		
28			
	General Fund	2003-04	2004-05
30	Unallocated	0	1,000,000
32			
	General Fund Total	0	1,000,000
34			
	Departments and Agencies - Statewide 0016		
36	Initiative: Appropriates and allocates funds to offset the		
38	deappropriation and deallocation made in Public Law 2003, chapter		
40	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.		
42			
	General Fund	2003-04	2004-05
44	Personal Services	0	11,549,943
46			
	General Fund Total	0	11,549,943
48			
	Other Special Revenue Funds	2003-04	2004-05
50	Personal Services	0	3,359,705
	Other Special Revenue Funds Total	0	3,359,705

2	Salary Plan 0305		
4	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.		
6			
	General Fund	2003-04	2004-05
8	Personal Services	250,000	0
10			
	General Fund Total	250,000	0
12			
	Salary Plan 0305		
14	Initiative: Deappropriates projected additional savings from the		
16	voluntary employee incentive program.		
18			
	General Fund	2003-04	2004-05
20	Personal Services	0	(56,466)
22			
	General Fund Total	0	(56,466)
24			
	Debt Service - Government Facilities Authority 0893		
26	Initiative: Deappropriates funds from one-time savings in debt		
28	service as the result of strategic budgeting and planning of debt		
30	requirements for the psychiatric treatment center.		
32			
	General Fund	2003-04	2004-05
34	All Other	0	(481,928)
36			
	General Fund Total	0	(481,928)
38			
	Health Reform Reserve Fund 0989		
40	Initiative: Provides for the deappropriation of funds from the		
42	Health Reform Reserve Fund account, established in Public Law		
44	2003, chapter 451, Part C, to allow for the appropriation of		
46	these funds to the Office of Health Policy and Finance,		
48	Governor's Office account to be used for the same purpose of		
50	creating access to affordable health care.		
	General Fund	2003-04	2004-05
	All Other	(374,368)	(374,630)
	General Fund Total	(374,368)	(374,630)
	Alcoholic Beverages - General Operation 0015		
	Initiative: Provides for the elimination of one Store Operations		
	Officer position from the Bureau of Alcoholic Beverages Internal		

2 vice Fund for the purpose of providing a headcount in the
 2 Workers' Compensation Management Fund and for the continuation of
 4 one Clerk Typist II position established by Financial Order
 4 00317F4, in accordance with Public Law 2003, chapter 20, Part D,
 6 section 14. This position will help staff an in-house claims
 6 management system resulting in a reduction in contracted services.

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

14 **Alcoholic Beverages - General Operation 0015**

16 Initiative: Transfers one Clerk Typist III position from the
 16 Bureau of Alcoholic Beverages Operations account to the Lottery
 18 Administration account.

20	Alcoholic Beverage Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
22	Personal Services	0	(47,289)
24	Alcoholic Beverage Fund Total	0	(47,289)

26 **Lottery Operations 0023**

28 Initiative: Transfers one Clerk Typist III position from the
 30 Bureau of Alcoholic Beverages Operations account to the Lottery
 30 Administration account.

32	State Lottery Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
34	Personal Services	0	47,289
36	State Lottery Fund Total	0	47,289

38 **Lottery Operations 0023**

40 Initiative: Allocates funds for overtime, audit services and
 42 general operating expenditures associated with the Maine State
 42 Lottery entering into an agreement with a multistate lottery
 44 association to operate, market and promote a joint lottery or
 44 lottery games. These costs will be offset by additional dedicated
 46 revenues and would result in net additional undedicated revenue
 46 to the General Fund of \$9,411,157 in fiscal year 2003-04.

48	State Lottery Fund	2003-04	2004-05
	Personal Services	0	19,965
50	All Other	0	512,097

2	State Lottery Fund Total	0	532,062
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4 **Maine Residents Property Tax Program 0648**

6 Initiative: Appropriates funds to cover the projected shortfall
 6 in the "Tax and Rent" program due to an increased number of
 8 qualified applicants as well as higher than expected refund
 8 amount.

10	General Fund	2003-04	2004-05
12	All Other	933,244	0
14	General Fund Total	933,244	0

16 **Revenue Services - Bureau of 0002**

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

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

26 **Revenue Services - Bureau of 0002**

28 Initiative: Appropriates Personal Services and All Other funds to
 30 establish one Tax Analyst position, 2 Senior Revenue Agent
 30 positions and one Tax Examiner position to enhance the corporate
 32 income tax audit program within the Bureau of Revenue Services.
 32 It is projected that this initiative will result in net
 34 additional undedicated revenue to the General Fund in fiscal year
 34 2004-05 of \$949,000 in the Income Tax line.

36	General Fund	2003-04	2004-05
38	Positions - Legislative Count	(0.000)	(4.000)
	Personal Services	0	249,634
40	All Other	0	60,239
42	General Fund Total	0	309,873

44 **Revenue Services - Bureau of 0002**

46 Initiative: Appropriates funds in the Personal Services line
 46 category to reclassify 21 existing Revenue Agent positions to
 48 Senior Revenue Agent positions within the Bureau of Revenue
 48 Services.

2	General Fund	2003-04	2004-05
	Personal Services	0	55,355
4	General Fund Total	0	55,355
6	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	0	8,535
8	Highway Fund - (Informational) Total	0	8,535

10 **Revenue Services - Bureau of 0002**

12 Initiative: Appropriates funds in the Personal Services and All
 14 Other line categories to establish 4 Principal Revenue Agent
 16 positions and 6 Senior Revenue Agent positions within the Sales
 18 and Special Fuels Tax Division of the Bureau of Revenue Services
 20 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.

22	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0,000)	(10,000)
24	Personal Services	0	657,336
	All Other	0	162,600
26	General Fund Total	0	819,936

28 **Revenue Services - Bureau of 0002**

30 Initiative: Appropriates funds in the Personal Services and All
 32 Other line categories to establish one Tax Analyst position and
 34 to retain the services of an outside contractor to conduct audits
 of selected returns. This funding is required to administer the
 Maine estate tax as it decouples from the federal estate tax. It
 36 is projected that this initiative will result in additional
 undedicated revenue to the General Fund in fiscal year 2004-05 of
 38 \$200,000 in the Estate Tax line.

40	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0,000)	(1,000)
42	Personal Services	0	72,913
	All Other	0	86,459
44	General Fund Total	0	159,372

46 **Revenue Services - Bureau of 0002**

48 Initiative: Appropriates funds in the All Other line category for
 50 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.

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

12 **Revenue Services - Bureau of 0002**

14 Initiative: Appropriates funds in the All Other line category to
 16 cover the additional costs for the printing and mailing of
 notices and for computer programming associated with the
 18 implementation of the private nonmedical institution, PNMI, tax
 initiative. A transfer of \$105,000 will be made from the PNMI
 Tax Dedicated Revenue account in the Department of Human Services
 20 to the General Fund as undedicated revenue in fiscal year
 2004-05, as an offset to this appropriation request.

22	General Fund	2003-04	2004-05
24	All Other	0	105,000
26	General Fund Total	0	105,000

28 **Revenue Services - Bureau of 0002**

30 Initiative: Appropriates funds in the All Other line category for
 32 computer programming costs associated with the bureau's proposal
 to assess an annual service fee on all pass-through entities
 34 required to file with Maine Revenue Services. These costs will be
 offset by a projection that this service fee will result in net
 36 additional undedicated revenue to the General Fund of \$2,745,376
 in fiscal year 2004-05.

38	General Fund	2003-04	2004-05
40	All Other	0	70,000
42	General Fund Total	0	70,000

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

46		2003-04	2004-05
48	GENERAL FUND	392,758	11,836,890
	HIGHWAY FUND - (Informational)	(75,121)	(368,565)
	FEDERAL EXPENDITURES FUND	0	0
50	OTHER SPECIAL REVENUE FUNDS	1,200,000	4,559,705

2	POSTAL, PRINTING and SUPPLY FUND	0	(52,063)
	WORKERS' COMPENSATION MANAGEMENT FUND	0	109,238
	CENTRAL MOTOR POOL	0	19,362
4	ACCIDENT, SICKNESS AND HEALTH		
	INSURANCE INTERNAL SERVICE FUND	0	49,632
6	ALCOHOLIC BEVERAGE FUND	0	(122,020)
	STATE LOTTERY FUND	0	579,351
8			
	DEPARTMENT TOTAL - ALL FUNDS	1,517,637	16,611,530
10	AGRICULTURE, FOOD AND RURAL		
12	RESOURCES, DEPARTMENT OF		
14	Division of Quality Assurance and Regulation 0393		
16	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.		
24	Other Special Revenue Funds	2003-04	2004-05
26	Positions - Legislative Count	(0.500)	(0.500)
	Personal Services	203	779
28	All Other	(203)	(779)
30	Other Special Revenue Funds Total	0	0
32	Division of Quality Assurance and Regulation 0393		
34	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.		
40	Federal Expenditures Fund	2003-04	2004-05
42	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(50,907)
44	Federal Expenditures Fund Total	0	(50,907)
46	Other Special Revenue Funds	2003-04	2004-05
48	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	56,990
50	All Other	0	2,587

2	Other Special Revenue Funds Total	0	59,577
4	Division of Plant Industry 0831		
6	Initiative: Provides for the establishment of 2 intermittent Certified Seed Specialist positions through the abolishment of 3 seasonal Seed Potato Inspector positions and one intermittent Lab Assistant position.		
8			
10	Other Special Revenue Funds	2003-04	2004-05
12	Positions - FTE Count	(-0.193)	(-0.193)
	Personal Services	(17,280)	(1,708)
14	All Other	(784)	(77)
16	Other Special Revenue Funds Total	(18,064)	(1,785)
18	Division of Plant Industry 0831		
20	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.		
22			
24			
26	Federal Expenditures Fund	2003-04	2004-05
	Positions - FTE Count	(0.308)	(0.308)
28	Personal Services	12,685	13,724
	All Other	4,436	14,213
30	Federal Expenditures Fund Total	17,121	27,937
32	Office of the Commissioner 0401		
34	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.		
36			
38			
40	Other Special Revenue Funds	2003-04	2004-05
42	All Other	(13,580)	(13,580)
44	Other Special Revenue Funds Total	(13,580)	(13,580)
46	Office of the Commissioner 0401		
48	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.		
50			

2	General Fund	2003-04	2004-05
	Personal Services	666	2,855
4	All Other	(666)	(2,855)
6	General Fund Total	<u>0</u>	<u>0</u>
8	Beverage Container Enforcement Fund 0971		
10	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.		
12			
14			
16			
18	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(-0.500)	(-0.500)
20	Personal Services	(516)	(757)
22	Other Special Revenue Funds Total	<u>(516)</u>	<u>(757)</u>
24	Beverage Container Enforcement Fund 0971		
26	Initiative: Provides funds for the reorganization of a Computer Programmer position to a Programmer Analyst position as approved by the Bureau of Human Resources.		
28			
30	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	1,241	4,852
32	All Other	(1,241)	(4,852)
34	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>
36	AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
38	DEPARTMENT TOTALS	2003-04	2004-05
40	GENERAL FUND	0	0
	FEDERAL EXPENDITURES FUND	17,121	(22,970)
42	OTHER SPECIAL REVENUE FUNDS	(32,160)	43,455
44	DEPARTMENT TOTAL - ALL FUNDS	<u>(15,039)</u>	<u>20,485</u>
46	ARTS COMMISSION, MAINE		
48	Arts - Administration 0178		

2	Initiative: Provides funds for the approved reorganization of one Administrative Secretary position to one Arts and Humanities Associate position.		
4			
6	General Fund	2003-04	2004-05
	Personal Services	0	8,147
	All Other	0	(8,147)
8	General Fund Total	<u>0</u>	<u>0</u>
10	ARTS COMMISSION, MAINE		
12	DEPARTMENT TOTALS	2003-04	2004-05
14	GENERAL FUND	0	0
16	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>
18	ATTORNEY GENERAL, DEPARTMENT OF THE		
20	Fund for a Healthy Maine - Attorney General 0947		
22	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.		
24			
26			
28	Fund For a Healthy Maine	2003-04	2004-05
30	Personal Services	1,351	0
32	Fund For a Healthy Maine Total	<u>1,351</u>	<u>0</u>
34	ATTORNEY GENERAL, DEPARTMENT OF THE		
36	DEPARTMENT TOTALS	2003-04	2004-05
38	FUND FOR A HEALTHY MAINE	1,351	0
40	DEPARTMENT TOTAL - ALL FUNDS	<u>1,351</u>	<u>0</u>
42	BAXTER STATE PARK AUTHORITY		
44	Baxter State Park Authority 0253		
46	Initiative: Reorganizes one Baxter State Park Ranger I position to one Baxter State Park Ranger III position.		
48	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	0	9,125
50			

2	Other Special Revenue Funds Total	0	9,125
4	BAXTER STATE PARK AUTHORITY		
4	DEPARTMENT TOTALS	2003-04	2004-05
6	OTHER SPECIAL REVENUE FUNDS	0	9,125
8	DEPARTMENT TOTAL - ALL FUNDS	0	9,125

10 **BEHAVIORAL AND DEVELOPMENTAL SERVICES,**
12 **DEPARTMENT OF**

14 **Office of Management and Budget 0164**

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

28	General Fund	2003-04	2004-05
30	Positions - Legislative Count	(0.000)	(4.000)
32	Personal Services	0	267,088
34	General Fund Total	0	267,088

36 **Office of Management and Budget 0164**

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

44	General Fund	2003-04	2004-05
46	Positions - Legislative Count	(0.000)	(21.000)
48	Personal Services	0	1,448,677
50	All Other	0	63,168
	General Fund Total	0	1,511,845

50 **Office of Management and Budget 0164**

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

20	General Fund	2003-04	2004-05
22	Positions - Legislative Count	(0.000)	(4.000)
24	Personal Services	0	376,888
26	General Fund Total	0	376,888

26 **Regional Operations 0863**

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

40	General Fund	2003-04	2004-05
42	Positions - Legislative Count	(0.000)	(1.000)
44	Personal Services	0	45,662
46	General Fund Total	0	45,662

46 **Regional Operations 0863**

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

2	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
4	Personal Services	0	32,937
6	General Fund Total	<u>0</u>	<u>32,937</u>

8 **Regional Operations 0863**

10 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.

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

24 **Regional Operations 0863**

26 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.

44	General Fund	2003-04	2004-05
46	Positions - Legislative Count	(0.000)	(3.000)
	Personal Services	0	159,174
48	General Fund Total	<u>0</u>	<u>159,174</u>

2 **Elizabeth Levinson Center 0119**

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

6	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
8	Personal Services	0	(32,937)
10	General Fund Total	<u>0</u>	<u>(32,937)</u>

12 **Elizabeth Levinson Center 0119**

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

16	General Fund	2003-04	2004-05
	All Other	24,100	0
18	General Fund Total	<u>24,100</u>	<u>0</u>

24 **Mental Health Services - Children 0136**

26 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.

28	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
30	Personal Services	0	43,397
32	General Fund Total	<u>0</u>	<u>43,397</u>

34 **Mental Health Services - Children 0136**

36 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.

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

2	Personal Services	0	(114,483)
4	General Fund Total	0	(114,483)

6 **Mental Health Services - Children 0136**

8 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.

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

32 **Mental Health Services - Children 0136**

34 Initiative: Deappropriates 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.

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

44 **Mental Health Services - Children 0136**

46 Initiative: Provides for the appropriation of funds to provide prior authorization and utilization review of services.

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

2	General Fund Total	0	125,000
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4 **Mental Health Services - Children 0136**

6 Initiative: Provides for the allocation of funds to provide prior authorization and utilization review of services.

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

14 **Mental Health Services - Children 0136**

16 Initiative: Provides for the deappropriation of 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.

20	General Fund	2003-04	2004-05
22	All Other	(2,000,000)	2,000,000
24	General Fund Total	(2,000,000)	2,000,000

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

28 Initiative: Provides for the appropriation of funds to cover an anticipated shortfall. Expenditures for children's behavioral health services, including case management, in-home supports, outpatient and crisis services have increased and are exceeding budgeted levels.

32	General Fund	2003-04	2004-05
34	All Other	0	6,797,652
36	General Fund Total	0	6,797,652

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

40 Initiative: Provides for the deappropriation of funds as a result of savings to be achieved by implementing a single point of access for services and eligibility determination, standardized assessment of medical necessity and standardized levels of care and prior authorization and utilization review of services in the plans of care.

46	General Fund	2003-04	2004-05
48	All Other	0	(1,125,000)
50	General Fund Total	0	(1,125,000)

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

4 Initiative: Provides for the deappropriation of funds as a result
of savings to be achieved by setting rate caps at the median rate
6 for all services with current rates above the median to achieve
payment equity among service providers.

8

10	General Fund	2003-04	2004-05
	All Other	0	(850,000)
12	General Fund Total	0	(850,000)

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

16 Initiative: Provides for the deappropriation of funds as a result
of savings to be achieved by: reducing rates for outpatient
18 services to 120% of the MaineCare rates for private practitioners
to achieve payment equity among service providers; and
20 establishing limits on duration of outpatient services with prior
authorization to exceed the limits for seriously emotionally
22 disturbed children.

24	General Fund	2003-04	2004-05
	All Other	0	(2,231,000)
26	General Fund Total	0	(2,231,000)

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

30 Initiative: Provides for the deappropriation of funds as a result
of savings to be achieved by replacing child and family community
32 support and in-home support services with a redesigned benefit
based on clinical criteria.

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

40 **Augusta Mental Health Institute 0105**

42 Initiative: Provides for the transfer of funds resulting from a
44 reduction in Federal Disproportionate Share funding.

46	General Fund	2003-04	2004-05
	All Other	158,587	416,668
48	General Fund Total	158,587	416,668

50

2 **Augusta Mental Health Institute 0105**

4 Initiative: Transfers the following funds and positions from the
Augusta Mental Health Institute to the appropriate programs: one
6 Clerk Steno II position to the Regional Operations program; one
Clerk Typist III position, one Director, Staff Training and
8 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
10 Mental Health Program Coordinator positions, 2 Physician III
positions and one Social Service Program Specialist II position
12 to the Mental Health Services - Community program. This request
will generate \$370,708 in General Fund undedicated revenue.

14	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-11.000)
	Personal Services	0	(711,013)
18	Other Special Revenue Funds Total	0	(711,013)

20 **Augusta Mental Health Institute 0105**

22 Initiative: Provides for the allocation of funds to purchase
24 items for retail sale at a store within the Riverview Psychiatric
Center.

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

30 **Augusta Mental Health Institute 0105**

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

36	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(1.000)	(1.000)
	Personal Services	6,116	33,770
	All Other	(6,116)	(33,770)
42	Other Special Revenue Funds Total	0	0

44 **Augusta Mental Health Institute 0105**

46 Initiative: Provides for the appropriation and deallocation of
48 funds resulting from a reduction in Federal Disproportionate
Share funding.

50

2	General Fund	2003-04	2004-05
4	All Other	0	706,239
6	General Fund Total	0	706,239
8	Other Special Revenue Funds	2003-04	2004-05
10	All Other	0	(706,239)
12	Other Special Revenue Funds Total	0	(706,239)
14	Augusta Mental Health Institute 0105		
16	Initiative: Provides for the appropriation of 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%.		
22	Other Special Revenue Funds	2003-04	2004-05
24	Personal Services	0	(166,918)
26	Other Special Revenue Funds Total	0	(166,918)
28	Augusta Mental Health Institute 0105		
30	Initiative: Provides for the appropriation of 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%.		
38	Other Special Revenue Funds	2003-04	2004-05
40	All Other	0	(79,091)
42	Other Special Revenue Funds Total	0	(79,091)
44	Augusta Mental Health Institute 0105		
46	Initiative: Provides for the deappropriation of funds due to a reduction in costs for drug purchases to be achieved by consolidating drug purchases for the Augusta Mental Health Institute and the Bangor Mental Health Institute into a single contract.		

2	General Fund	2003-04	2004-05
4	All Other	0	(341,600)
6	General Fund Total	0	(341,600)
8	Bangor Mental Health Institute 0120		
10	Initiative: Provides for the transfer of funds resulting from a reduction in Federal Disproportionate Share funding.		
12	General Fund	2003-04	2004-05
14	All Other	966,316	1,301,854
16	General Fund Total	966,316	1,301,854
18	Bangor Mental Health Institute 0120		
20	Initiative: Provides for the appropriation and deallocation of funds resulting from a reduction in Federal Disproportionate Share funding.		
22	General Fund	2003-04	2004-05
24	All Other	0	1,963,435
26	General Fund Total	0	1,963,435
28	Other Special Revenue Funds	2003-04	2004-05
30	All Other	0	(1,963,435)
32	Other Special Revenue Funds Total	0	(1,963,435)
34	Bangor Mental Health Institute 0120		
36	Initiative: Provides for the deallocation of 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%.		
42	Other Special Revenue Funds	2003-04	2004-05
44	Personal Services	0	(176,647)
46	Other Special Revenue Funds Total	0	(176,647)
48	Bangor Mental Health Institute 0120		

2 Initiative: Provides for the deallocation of funds in the
 4 Disproportionate Share - AMHI and Disproportionate Share - BMHI
 6 programs and deallocates funds in the accounts established in the
 8 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%.

10	Other Special Revenue Funds	2003-04	2004-05
	All Other	0	(33,422)
12			
14	Other Special Revenue Funds Total	0	(33,422)

16 **Bangor Mental Health Institute 0120**

18 Initiative: Transfers the following funds and positions from the
 20 Bangor Mental Health Institute to the appropriate programs: one
 22 Program Coordinator position to the Mental Health Services -
 24 Children program; one Intensive Case Manager position, one Mental
 26 Health Program Coordinator position, one Physician III position,
 28 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.

34	Other Special Revenue Funds	2003-04	2004-05
36	Positions - Legislative Count	(0.000)	(-15,000)
	Personal Services	0	(842,838)
38			
40	Other Special Revenue Funds Total	0	(842,838)

42 **Bangor Mental Health Institute 0120**

44 Initiative: Provides for the deappropriation of funds due to a
 46 reduction in costs for drug purchases to be achieved by
 consolidating drug purchases for the Augusta Mental Health
 Institute and the Bangor Mental Health Institute into a single
 contract.

48	General Fund	2003-04	2004-05
50	All Other	0	(268,400)

2 General Fund Total 0 (268,400)

4 **Bangor Mental Health Institute 0120**

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

10	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-3,000)
12	Personal Services	0	(98,185)
14			
16	Other Special Revenue Funds Total	0	(98,185)

18 **Bangor Mental Health Institute 0120**

20 Initiative: Provides for the appropriation of funds to All Other
 for the purpose of contracting for laundry services at the Bangor
 Mental Health Institute.

22	General Fund	2003-04	2004-05
	All Other	0	48,746
24			
26	General Fund Total	0	48,746

28 **Mental Health Services - Community 0121**

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
 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.

40	General Fund	2003-04	2004-05
42	Positions - Legislative Count	(0.000)	(6,000)
	Personal Services	0	764,382
44			
46	General Fund Total	0	764,382

48 **Mental Health Services - Community 0121**

50 Initiative: Transfers funds from the Department of Human Services
 to the Department of Behavioral and Developmental Services.

2 mental Health Services - Community program for the provision of
2 room and board services.

4	General Fund	2003-04	2004-05
6	All Other	0	103,405
8	General Fund Total	<u>0</u>	<u>103,405</u>

8 **Mental Health Services - Community 0121**

10 Initiative: Provides for the appropriation of funds for receiver
12 costs and legal fees related to the Augusta Mental Health
14 Institute Consent Decree.

16	General Fund	2003-04	2004-05
18	All Other	398,847	321,599
20	General Fund Total	<u>398,847</u>	<u>321,599</u>

20 **Mental Health Services - Community 0121**

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

32	General Fund	2003-04	2004-05
34	Positions - Legislative Count	(0.000)	(-2.000)
36	Personal Services	0	(141,881)
38	General Fund Total	<u>0</u>	<u>(141,881)</u>

36 **Mental Health Services - Community 0121**

38 Initiative: Provides for the allocation of funds as a result of a
40 federal grant entitled "Strengthening Maine's Emergency Mental
42 Health and Substance Abuse Response Capacity" and a federal grant
44 from the United States Department of Housing and Urban
46 Development.

46	Federal Expenditures Fund	2003-04	2004-05
48	All Other	0	326,146
50	Federal Expenditures Fund Total	<u>0</u>	<u>326,146</u>

50 **Mental Health Services - Community 0121**

2 Initiative: Provides for the appropriation of funds for housing
4 assistance to persons with mental illness.

4	General Fund	2003-04	2004-05
6	All Other	1,000,000	1,500,000
8	General Fund Total	<u>1,000,000</u>	<u>1,500,000</u>

10 **Mental Health Services - Community 0121**

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

30	General Fund	2003-04	2004-05
32	Positions - Legislative Count	(0.000)	(6.000)
34	Personal Services	0	605,483
36	General Fund Total	<u>0</u>	<u>605,483</u>

36 **Mental Health Services - Community 0121**

38 Initiative: Appropriates funds to maintain funding for social
40 clubs at the fiscal year 2003-04 level.

42	General Fund	2003-04	2004-05
44	All Other	0	200,000
46	General Fund Total	<u>0</u>	<u>200,000</u>

46 **Mental Health Services - Community 0121**

48 Initiative: Provides for the appropriation of funds to provide
50 prior authorization and utilization review of services.

2	General Fund	2003-04	2004-05
	All Other	0	125,000
4	General Fund Total	0	125,000
6	Mental Health Services - Community 0121		
8	Initiative: Provides for the allocation of funds to provide prior authorization and utilization review of services.		
10	Federal Expenditures Fund	2003-04	2004-05
12	All Other	0	125,000
14	Federal Expenditures Fund Total	0	125,000
16	Mental Health Services - Community 0121		
18	Initiative: Provides for the appropriation of funds for peer support services.		
20	General Fund	2003-04	2004-05
22	All Other	0	200,000
24	General Fund Total	0	200,000
26	Mental Health Services - Community 0121		
28	Initiative: Provides for the deappropriation of funds as a result of savings to be achieved by: redesigning the adult mental health crisis system to improve efficiency and service coordination; and by implementing fee-for-service reimbursement in place of grant funding. Reductions have been largely offset by increased MaineCare funding resulting from the noncategorical waiver.		
30	General Fund	2003-04	2004-05
32	All Other	0	(5,000,000)
34	General Fund Total	0	(5,000,000)
36	Mental Health Services - Community Medicaid 0732		
38	Initiative: Provides for the appropriation of funds to cover an anticipated shortfall. Expenditures for adult mental health services, including private nonmedical institution treatment, outpatient services, crisis services and community support services, have increased and are exceeding budgeted levels.		
40	General Fund	2003-04	2004-05
42	All Other	0	4,796,655
44	General Fund Total	0	4,796,655

2	General Fund Total	0	4,796,655
4	Mental Health Services - Community Medicaid 0732		
6	Initiative: Provides for the deappropriation of funds as a result of savings to be achieved by setting rate caps at the median rate for all services with current rates above the median to achieve payment equity among service providers.		
8	General Fund	2003-04	2004-05
10	All Other	0	(450,000)
12	General Fund Total	0	(450,000)
14	Mental Health Services - Community Medicaid 0732		
16	Initiative: Provides for the deappropriation of funds as a result of savings to be achieved by: reducing rates for outpatient services to 120% of the MaineCare rates for private practitioners to achieve payment equity among service providers; and establishing limits on the duration of outpatient services with prior authorization to exceed the limits for seriously mentally ill adults.		
18	General Fund	2003-04	2004-05
20	All Other	0	(1,841,000)
22	General Fund Total	0	(1,841,000)
24	Mental Health Services - Community Medicaid 0732		
26	Initiative: Provides for the deappropriation of funds as a result of savings to be achieved by implementing a single point of access for services and eligibility determination, standardized assessment of medical necessity and standardized levels of care and prior authorization and utilization review of services in the plans of care.		
28	General Fund	2003-04	2004-05
30	All Other	0	(1,125,000)
32	General Fund Total	0	(1,125,000)
34	Disproportionate Share - Augusta Mental Health Institute 0733		
36	Initiative: Provides for the transfer of funds resulting from a reduction in Federal Disproportionate Share funding.		
38	General Fund	2003-04	2004-05
40	All Other	0	(1,125,000)
42	General Fund Total	0	(1,125,000)
44	Disproportionate Share - Augusta Mental Health Institute 0733		
46	Initiative: Provides for the transfer of funds resulting from a reduction in Federal Disproportionate Share funding.		
48	General Fund	2003-04	2004-05
50	All Other	0	4,796,655

2	General Fund	2003-04	2004-05
	All Other	(158,587)	(416,668)
4	General Fund Total	<u>(158,587)</u>	<u>(416,668)</u>

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

8 Initiative: Transfers the following funds and positions from the
 10 Augusta Mental Health Institute to the appropriate programs: one
 12 Clerk Steno II position to the Regional Operations program; one
 14 Clerk Typist III position, one Director, Staff Training and
 16 Development position, one Systems Team Leader position and one
 18 Payroll Supervisor position to the Office of Management and
 20 Budget program; and one Program Systems Director position, 2
 22 Mental Health Program Coordinator positions, 2 Physician III
 24 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.

22	General Fund	2003-04	2004-05
	Personal Services	0	(366,119)
24	General Fund Total	<u>0</u>	<u>(366,119)</u>

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

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

34	General Fund	2003-04	2004-05
	Personal Services	3,143	18,047
36	All Other	(3,143)	(18,047)
38	General Fund Total	<u>0</u>	<u>0</u>

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

42 Initiative: Provides for the appropriation of funds in the
 44 Disproportionate Share - AMHI and Disproportionate Share - BMHI
 46 programs and deallocates funds in the accounts established in the
 48 Maine Revised Statutes, Title 34-B, section 1409 for the Augusta
 50 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%.

2	General Fund	2003-04	2004-05
	Personal Services	0	166,918
4	General Fund Total	<u>0</u>	<u>166,918</u>

6 Initiative: Provides for the appropriation of funds in the
 8 Disproportionate Share - AMHI and Disproportionate Share - BMHI
 10 programs and deallocates funds in the accounts established in the
 12 Maine Revised Statutes, Title 34-B, section 1409 for the Augusta
 14 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%.

16	General Fund	2003-04	2004-05
	All Other	0	79,091
18	General Fund Total	<u>0</u>	<u>79,091</u>

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

24 Initiative: Provides for the transfer of funds resulting from a
 26 reduction in Federal Disproportionate Share funding.

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

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

34 Initiative: Provides for the appropriation of funds in the
 36 Disproportionate Share - AMHI and Disproportionate Share - BMHI
 38 programs and deallocates funds in the accounts established in the
 40 Maine Revised Statutes, Title 34-B, section for the Augusta
 42 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%.

44	General Fund	2003-04	2004-05
	Personal Services	0	176,647
46	General Fund Total	<u>0</u>	<u>176,647</u>

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

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

General Fund	2003-04	2004-05
All Other	0	33,422
General Fund Total	0	33,422

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

20 Initiative: Transfers the following funds and positions from the
 22 Bangor Mental Health Institute to the appropriate programs: one
 24 Program Coordinator position to the Mental Health Services -
 26 Children program; one Intensive Case Manager position, one Mental
 28 Health Program Coordinator position, one Physician III position,
 30 one Program Services Director position and 2 Social Service
 32 Manager I positions to the Mental Health Services - Community
 34 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,
 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
Personal Services	0	(433,990)
General Fund Total	0	(433,990)

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

46 Initiative: Provides for the deappropriation and deallocation of
 48 funds by eliminating one Custodial Worker III position and 2
 50 Laundry Washer positions as a result of contracting laundry
 services at the Bangor Mental Health Institute.

General Fund	2003-04	2004-05
All Other	0	417,675

Personal Services	0	(50,561)
General Fund Total	0	(50,561)

6 **Aroostook Residential Center 0118**

8 Initiative: Transfers one Public Service Manager II position and
 10 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	0	(146,211)

18 **Aroostook Residential Center 0118**

20 Initiative: Appropriates funds for reconciliation of the fiscal
 22 year 2002-03 tax imposed on residential treatment facilities for
 24 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	6,580	0

30 **Mental Retardation Services - Community 0122**

32 Initiative: Transfers one Public Service Manager II position and
 34 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	0	102,814

42 **Mental Retardation Services - Community 0122**

44 Initiative: Provides for the allocation of funds as a result of 2
 46 grant awards from the United States Department of Health and
 48 Human Services.

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

2	Federal Expenditures Fund Total	0	417,675
4	Mental Retardation Services - Community 0122		
6	Initiative: Transfers 2 Crisis Stabilization Worker positions from the Mental Health Services - Community program and one		
8	Public Service Manager III position from the Mental Health		
10	Services - Children program to the Mental Retardation Services -		
12	Community program for the purpose of establishing 3 Mental Health		
14	and Mental Retardation Caseworker positions due to consent decree		
16	requirements. This request will generate \$238,595 in General		
18	Fund undedicated revenue.		
20			
22	General Fund	2003-04	2004-05
24	Positions - Legislative Count	(0.000)	(3.000)
26	Personal Services	0	256,364
28			
30	General Fund Total	0	256,364
32	Mental Retardation Services - Community 0122		
34	Initiative: Transfers the following funds and positions from the		
36	Bangor Mental Health Institute to the appropriate programs: one		
38	Program Coordinator position to the Mental Health Services -		
40	Children program; one Intensive Case Manager position, one Mental		
42	Health Program Coordinator position, one Physician III position,		
44	one Program Services Director position and 2 Social Service		
46	Manager I positions to the Mental Health Services - Community		
48	program; one Mental Health Worker III position to the Mental		
50	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
	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	63,269
	General Fund Total	0	63,269
	Mental Retardation Services - Community 0122		
	Initiative: Provides for the appropriation of funds for room and		
	board costs in mental retardation waiver facilities.		

2	General Fund	2003-04	2004-05
4	All Other	0	700,000
6			
8	General Fund Total	0	700,000
10	Medicaid Services - Mental Retardation 0705		
12	Initiative: Provides for the deappropriation of funds related to		
14	the tax on residential treatment facilities for individuals with		
16	developmental disabilities.		
18			
20	General Fund	2003-04	2004-05
22	All Other	(33,610)	0
24			
26	General Fund Total	(33,610)	0
28	Medicaid Services - Mental Retardation 0705		
30	Initiative: Provides for the appropriation of funds due to an		
32	anticipated shortfall.		
34			
36	General Fund	2003-04	2004-05
38	All Other	0	219,119
40			
42	General Fund Total	0	219,119
44	Medicaid Services - Mental Retardation 0705		
46	Initiative: Provides for the deappropriation of funds as a result		
48	of savings to be achieved by establishing cost caps in		
50	intermediate care facilities/mental retardation cost principles.		
	General Fund	2003-04	2004-05
	All Other	0	(175,000)
	General Fund Total	0	(175,000)
	Medicaid Services - Mental Retardation 0705		
	Initiative: Provides for the deappropriation of funds as a result		
	of savings to be achieved by redesigning day habilitation		
	benefits for adults and standardizing rates.		
	General Fund	2003-04	2004-05
	All Other	0	(335,000)
	General Fund Total	0	(335,000)
	Freeport Towne Square 0814		

2 Initiative: Appropriates funds for reconciliation of the fiscal
 4 year 2002-03 tax imposed on residential treatment facilities for
 individuals with developmental disabilities. This request will
 generate \$1,491 in General Fund undedicated revenue.

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

12 **Residential Treatment Facilities Assessment 0978**

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

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

24 **Mental Retardation Waiver - MaineCare 0987**

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

30	General Fund	2003-04	2004-05
32	All Other	0	6,076,870
34		<hr/>	<hr/>
36	General Fund Total	0	6,076,870

38 **Mental Retardation Waiver - MaineCare 0987**

40 Initiative: Provides for the deappropriation of funds as a result
 of savings to be achieved by implementing more cost-effective
 service delivery models based on standardized functional
 assessments and standardized rates and targeted rate reductions
 to achieve payment equity. Additional diagnostic assessments and
 care plan reviews will be completed for all high-cost consumers.

44	General Fund	2003-04	2004-05
46	All Other	0	(4,200,000)
48		<hr/>	<hr/>
50	General Fund Total	0	(4,200,000)

50 **Office of Substance Abuse 0679**

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

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

12 **Office of Substance Abuse 0679**

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

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

24 **Federal Block Grant Fund**

24	Positions - Legislative Count	(0.000)	(1.000)
26	Personal Services	0	77,076
28		<hr/>	<hr/>
30	Federal Block Grant Fund Total	0	77,076

32 **Office of Substance Abuse 0679**

34 Initiative: Provides for the deappropriation of funds as a result
 of savings to be achieved by reducing grants to community
 agencies for treatment services.

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

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

44 Initiative: Provides for the deappropriation of funds due to an
 unanticipated surplus.

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

50 **BEHAVIORAL AND DEVELOPMENTAL SERVICES.**

2	DEPARTMENT OF		
2	DEPARTMENT TOTALS	2003-04	2004-05
4	GENERAL FUND	(601,153)	6,774,587
	FEDERAL EXPENDITURES FUND	0	1,371,745
6	OTHER SPECIAL REVENUE FUNDS	34,610	(4,776,788)
	FEDERAL BLOCK GRANT FUND	0	77,076
8			
10	DEPARTMENT TOTAL - ALL FUNDS	(566,543)	3,446,620
12	CONSERVATION, DEPARTMENT OF		
14	Forest Policy and Management - Division of 0240		
16	Initiative: Provides for the transfer of funds to cover a deficit created by a position reclassification.		
18	General Fund	2003-04	2004-05
20	All Other	(5,496)	(5,403)
22			
	General Fund Total	(5,496)	(5,403)
24	Forest Practices 0861		
26	Initiative: Provides for the transfer of funds to cover a deficit created by a position reclassification.		
28	General Fund	2003-04	2004-05
30	All Other	5,496	5,403
32			
	General Fund Total	5,496	5,403
34	Natural Areas Program 0821		
36	Initiative: Provides for the allocation of funds to increase a part-time Planning and Research Associate II position to a full-time position.		
38	Other Special Revenue Funds	2003-04	2004-05
40	Positions - Legislative Count	(0.500)	(0.500)
	Personal Services	7,495	30,753
42			
	Other Special Revenue Funds Total	7,495	30,753
44	CONSERVATION, DEPARTMENT OF		
46	DEPARTMENT TOTALS	2003-04	2004-05
48	GENERAL FUND	0	0
50	OTHER SPECIAL REVENUE FUNDS	7,495	30,753

2	DEPARTMENT TOTAL - ALL FUNDS	7,495	30,753
4	CORRECTIONS, DEPARTMENT OF		
6	Long Creek Youth Development Center 0163		
8	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 Correctional Medical Services Fund to provide mental health services.		
10			
12			
14	General Fund	2003-04	2004-05
16	Positions - Legislative Count	(-1,000)	(-1,000)
	Personal Services	(42,401)	(175,489)
18			
	General Fund Total	(42,401)	(175,489)
20	Mountain View Youth Development Center 0857		
22	Initiative: Provides for the allocation of 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.		
24			
26			
28	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	15,391	79,124
	All Other	711	12,611
30			
	Federal Expenditures Fund Total	16,102	91,735
32			
34	Juvenile Community Corrections 0892		
36	Initiative: Provides for the transfer of one Clerk Typist III position from Juvenile Community Corrections to Administration for the purpose of implementing stronger internal controls for cash management.		
38			
40	General Fund	2003-04	2004-05
42	Positions - Legislative Count	(0.000)	(-1,000)
	Personal Services	0	(48,667)
44			
	General Fund Total	0	(48,667)
46	Juvenile Community Corrections 0892		
48	Initiative: Provides for the transfer of one 1/2-time Clerk Typist II position from Adult Community Corrections to Juvenile		

2 Community Corrections for the purpose of correctly funding the
 2 position under the appropriate account.

4	General Fund	2003-04	2004-05
6	Personal Services	0	14,804
8	General Fund Total	<u>0</u>	<u>14,804</u>

8 **Adult Community Corrections 0124**

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

16	General Fund	2003-04	2004-05
18	Personal Services	0	(14,804)
20	General Fund Total	<u>0</u>	<u>(14,804)</u>

22 **Adult Community Corrections 0124**

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

26	General Fund	2003-04	2004-05
28	Positions - Legislative Count	(0.000)	(2.000)
28	Personal Services	0	126,602
30	All Other	0	25,541
32	General Fund Total	<u>0</u>	<u>152,143</u>

34 **State Prison 0144**

36 Initiative: Provides for the appropriation of funds to establish
 36 14 Correctional Officer positions and related All Other expenses
 38 at the Maine State Prison in Warren.

40	General Fund	2003-04	2004-05
40	Positions - Legislative Count	(0.000)	(14,000)
42	Personal Services	0	821,688
42	All Other	0	11,635
44	General Fund Total	<u>0</u>	<u>833,323</u>

46 **Correctional Center 0162**

48 Initiative: Provides for the elimination of one vacant Clerk
 50 Typist II position on April 1, 2004.

2	Federal Expenditures Fund	2003-04	2004-05
2	Positions - Legislative Count	(-1.000)	(-1.000)
4	Personal Services	(10,354)	(45,098)
6	Federal Expenditures Fund Total	<u>(10,354)</u>	<u>(45,098)</u>

8 **Correctional Center 0162**

10 Initiative: Provides for the appropriation of funds to establish
 10 6 Correctional Officer positions, one Personnel/Payroll
 12 Technician position, one Correctional Trades Instructor position
 14 and one Correctional Sergeant position and related All Other to
 14 open a vacant unit at the Maine Correctional Center in Windham.

16	General Fund	2003-04	2004-05
16	Positions - Legislative Count	(0.000)	(9.000)
18	Personal Services	0	495,573
18	All Other	0	87,040
20	General Fund Total	<u>0</u>	<u>582,613</u>

22 **Charleston Correctional Facility 0400**

24 Initiative: Provides for the allocation of funds for approved
 24 scheduled overtime for a Correctional Trades Shop Supervisor
 26 position.

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

34 **Charleston Correctional Facility 0400**

36 Initiative: Provides for the transfer of All Other funds from
 36 institutional accounts to the Central Office for the purpose of
 38 centralizing funding for mental health initiatives.

40	General Fund	2003-04	2004-05
40	All Other	0	(22,560)
42	General Fund Total	<u>0</u>	<u>(22,560)</u>

46 **Charleston Correctional Facility 0400**

48 Initiative: Provides for the appropriation of funds to establish
 48 9 Correctional Officer positions, 2 Correctional Trades
 50 Instructor positions, one Correctional Unit Manager position, one
 50 Clerk Typist II position, one Correctional Sergeant position and

2 one Correctional Caseworker position and related All Other to
 2 open a vacant unit at the Charleston Correctional Facility in
 4 Charleston.

4	General Fund	2003-04	2004-05
6	Positions - Legislative Count	(0.000)	(15.000)
	Personal Services	0	867,493
8	All Other	0	123,768
10	General Fund Total	<u>0</u>	<u>991,261</u>

12 **Downeast Correctional Facility 0542**

14 Initiative: Provides for the transfer of All Other funds from
 14 institutional accounts to the Central Office for the purpose of
 16 centralizing funding for mental health initiatives.

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

24 **Correctional Medical Services Fund 0286**

26 Initiative: Provides for the allocation of funds to increase the
 26 All Other and Capital Expenditures line categories for the
 28 purpose of expending funds received from offender medical
 copayments.

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

36 **Correctional Medical Services Fund 0286**

38 Initiative: Provides for the transfer of All Other funds from
 40 institutional accounts to the Central Office for the purpose of
 centralizing funding for mental health initiatives.

42	General Fund	2003-04	2004-05
44	All Other	42,401	238,049
46	General Fund Total	<u>42,401</u>	<u>238,049</u>

48 **Correctional Medical Services Fund 0286**

50 Initiative: Deappropriates funds in the All Other line in
 Corrections Medical Services as a result of savings due to

2 efficiencies in contracted medical services, using the MaineCare
 2 rates for qualified outpatient services, increased compliance
 4 with the current formulary in the pharmacy contract,
 pharmaceutical rebates and rebates in the Hepatitis C program.

6	General Fund	2003-04	2004-05
8	All Other	0	(1,038,609)
10	General Fund Total	<u>0</u>	<u>(1,038,609)</u>

12 **Administration - Corrections 0141**

14 Initiative: Provides for the allocation of funds for one
 14 limited-period Social Service Program Specialist position that
 16 ends June 11, 2005 and related All Other expenses and associated
 All Other grant expenses.

18	Federal Expenditures Fund	2003-04	2004-05
20	Personal Services	16,527	69,237
	All Other	53,691	90,369
22	Federal Expenditures Fund Total	<u>70,218</u>	<u>159,606</u>

24 **Administration - Corrections 0141**

26 Initiative: Provides for the transfer of one Clerk Typist, III
 26 position from Juvenile Community Corrections to Administration
 28 for the purpose of implementing stronger internal controls for
 cash management.

30	General Fund	2003-04	2004-05
32	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	48,667
34	General Fund Total	<u>0</u>	<u>48,667</u>

36 **CORRECTIONS, DEPARTMENT OF**
 38 **DEPARTMENT TOTALS**

38		2003-04	2004-05
40	GENERAL FUND	0	1,520,731
	FEDERAL EXPENDITURES FUND	75,966	206,243
42	OTHER SPECIAL REVENUE FUNDS	28,961	29,076
44	DEPARTMENT TOTAL - ALL FUNDS	<u>104,927</u>	<u>1,756,050</u>

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

50 **Loring Rebuild Facility 0843**

2 Initiative: Provides funding for the ongoing Loring Center of Excellence program.

	2003-04	2004-05
Federal Expenditures Fund		
All Other	10,000,000	15,000,000
Federal Expenditures Fund Total	<u>10,000,000</u>	<u>15,000,000</u>

8 **Veterans Services 0110**

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

	2003-04	2004-05
General Fund		
Positions - Legislative Count	(-1.000)	(-1.000)
Positions - FTE Count	(1.000)	(1.000)
General Fund Total	<u>0</u>	<u>0</u>

22 **Veterans Services 0110**

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

	2003-04	2004-05
Federal Expenditures Fund		
Personal Services	730	4,356
Federal Expenditures Fund Total	<u>730</u>	<u>4,356</u>

32 **Military Training and Operations 0108**

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

	2003-04	2004-05
Federal Expenditures Fund		
All Other	0	220,000
Federal Expenditures Fund Total	<u>0</u>	<u>220,000</u>

42 **Military Training and Operations 0108**

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

	2003-04	2004-05
General Fund		
Personal Services	1,004	998
All Other	(1,004)	(998)
General Fund Total	<u>0</u>	<u>0</u>

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

12 **Military Training and Operations 0108**

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

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

24 **Military Training and Operations 0108**

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

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

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

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

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

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

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

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

6

8

Federal Expenditures Fund	2003-04	2004-05
Personal Services	17,881	250,139
Federal Expenditures Fund Total	17,881	250,139

12

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

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

18

Federal Expenditures Fund	2003-04	2004-05
All Other	0	4,000,000
Federal Expenditures Fund Total	0	4,000,000

22

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

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

28

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Federal Expenditures Fund	2003-04	2004-05
Personal Services	(58,584)	(60,124)
Federal Expenditures Fund Total	(58,584)	(60,124)

32

Other Special Revenue Funds	2003-04	2004-05
Personal Services	58,584	60,124
Other Special Revenue Funds Total	58,584	60,124

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

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

46

48

Federal Expenditures Fund	2003-04	2004-05
All Other	0	4,500,000

50

2 Federal Expenditures Fund Total 0 4,500,000

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

6 Initiative: Provides funds to create one Public Service Coordinator I position, one Project Manager I position, one 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.

8

10

Federal Expenditures Fund	2003-04	2004-05
Positions - Legislative Count	(0,000)	(8,000)
Personal Services	0	492,231
Federal Expenditures Fund Total	0	492,231

12

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16

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

20 **DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	0	0
FEDERAL EXPENDITURES FUND	9,991,719	24,576,492
OTHER SPECIAL REVENUE FUNDS	61,345	74,375
DEPARTMENT TOTAL - ALL FUNDS	10,053,064	24,650,867

22

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28 **DIRIGO HEALTH**

30 **Dirigo Health Fund 0988**

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

34

Other Special Revenue Funds	2003-04	2004-05
Personal Services	386,925	2,019,302
All Other	816,840	1,511,741
Unallocated	0	(3,531,043)
Other Special Revenue Funds Total	1,203,765	0

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42 **DIRIGO HEALTH DEPARTMENT TOTALS**

	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	1,203,765	0
DEPARTMENT TOTAL - ALL FUNDS	1,203,765	0

44

46

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50 **ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

2 **Administration - Economic and Community**
 4 **Development 0069**

6 Initiative: Provides for the upgrade of a Business Development
 8 Specialist position to a Deputy Commissioner position and its
 10 transfer from Business Development to Administration - Economic
 12 and Community Development. This is part of a departmental
 14 reorganization.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	95,950
General Fund Total	0	95,950

16 **Administration - Economic and Community**
 18 **Development 0069**

20 Initiative: Provides for the upgrade of a Development Director
 22 position to a Science Advisor position and its transfer from
 24 Administration - Economic and Community Development to the
 26 Office of Innovation. This is part of a departmental
 28 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)

32 **Administration - Economic and Community**
 34 **Development 0069**

36 Initiative: Provides for the transfer of the Maine Technology
 38 Institute Director and the Applied Technology Development Center
 40 System Director positions and the related All Other
 42 appropriations from Administration - Economic and Community
 44 Development to the Office of Innovation as part of a departmental
 46 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)

48 **Office of Innovation 0995**

2 Initiative: Provides for the upgrade of a Development Director
 4 position to a Science Advisor position and its transfer from
 6 Administration - Economic and Community Development to the
 8 Office of Innovation. This is part of a departmental
 10 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

14 **Office of Innovation 0995**

16 Initiative: Provides for the transfer of the Maine Technology
 18 Institute Director and the Applied Technology Development Center
 20 System Director positions and the related All Other
 22 appropriations from Administration - Economic and Community
 24 Development to the Office of Innovation as part of a departmental
 26 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

30 **Office of Innovation 0995**

32 Initiative: Provides for the appropriation of All Other funds to
 34 the Office of Innovation for the purpose of providing operating
 36 funds for the newly created Science Advisor position.

General Fund	2003-04	2004-05
All Other	0	24,209
General Fund Total	0	24,209

40 **Business Development 0585**

42 Initiative: Provides for a reorganization in the Office of
 44 Business Development, part of a departmentwide reorganization,
 46 including the establishment of one Policy Development Specialist
 48 position.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	66,352
All Other	0	(66,352)

2 General Fund Total 0 0

4 Business Development 0585

6 Initiative: Provides for the upgrade of a Business Development Specialist position to a Deputy Commissioner position and its transfer from Business Development to Administration - Economic and Community Development. This is part of a departmental reorganization.

12 General Fund 2003-04 2004-05
Positions - Legislative Count (0.000) (-1.000)
14 Personal Services 0 (68,101)
16 General Fund Total 0 (68,101)

18 Business Development 0585

20 Initiative: Provides for the deappropriation of funds and reduction of one headcount through the elimination of one Development Project Officer position. Funds are being used to upgrade one Business Development Specialist position to a Deputy Commissioner position and one Development Director position to a Science Advisor position.

26 General Fund 2003-04 2004-05
28 Positions - Legislative Count (0.000) (-1.000)
Personal Services 0 (67,025)
30 General Fund Total 0 (67,025)

32 Business Development 0585

34 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.

36 General Fund 2003-04 2004-05
40 Positions - Legislative Count (0.000) (0.500)
42 Personal Services 0 (249)
44 General Fund Total 0 (249)

46 Energy Conservation Division 0736

48 Initiative: Deallocates funds from the Energy Conservation Small Business Revolving Loan Program, which has been transferred to the Public Utilities Commission.

2 Other Special Revenue Funds 2003-04 2004-05
4 All Other (150,000) (160,000)

4 Other Special Revenue Funds Total (150,000) (160,000)

6 Job Retention Program 0855

8 Initiative: Deallocates funds from the Job Retention Program because of a legislative transfer of the program funds to the Mature and Dominant Industries Program within the Department of Economic and Community Development.

12 Other Special Revenue Funds 2003-04 2004-05
14 All Other (132,100) (132,100)

16 Other Special Revenue Funds Total (132,100) (132,100)

18 Community Development Block Grant Program 0587

20 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.

26 General Fund 2003-04 2004-05
28 Positions - Legislative Count (0.000) (-0.500)
Personal Services 0 (254)
30 General Fund Total 0 (254)

32 Economic Opportunity Program 0710

34 Initiative: Deallocates funds from the Economic Opportunity Program due to a reduction in anticipated revenue.

36 Other Special Revenue Funds 2003-04 2004-05
38 All Other (126,000) (126,000)

40 Other Special Revenue Funds Total (126,000) (126,000)

42 Office of Tourism 0577

44 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.

48 Other Special Revenue Funds 2003-04 2004-05
50 Personal Services 0 15,812

2	Other Special Revenue Funds Total	0	15,812
4	ECONOMIC AND COMMUNITY DEVELOPMENT,		
4	DEPARTMENT OF		
6	DEPARTMENT TOTALS	2003-04	2004-05
8	GENERAL FUND	0	(503)
8	OTHER SPECIAL REVENUE FUNDS	(408,100)	(402,288)
10	DEPARTMENT TOTAL - ALL FUNDS	(408,100)	(402,791)
12	EDUCATION, DEPARTMENT OF		
14	General Purpose Aid For Local Schools 0308		
16	Initiative: Provides additional funding for general purpose aid for local schools.		
18	General Fund	2003-04	2004-05
20	All Other	0	9,049,331
22	General Fund Total	0	9,049,331
24	Adult Education 0364		
26	Initiative: Appropriates funds to increase the state subsidy for adult education in fiscal year 2004-05 to reflect level funding from fiscal year 2003-04.		
30	General Fund	2003-04	2004-05
32	All Other	0	87,000
34	General Fund Total	0	87,000
36	Support Systems 0837		
38	Initiative: Provides funding for the transfer of 70% of an Education Specialist II position from the Support Systems program to Learning Systems.		
40	Federal Expenditures Fund	2003-04	2004-05
42	Personal Services	0	(45,257)
44	Federal Expenditures Fund Total	0	(45,257)
46	Learning Systems 0839		
48	Initiative: Provides funding for the establishment of one Clerk Typist III position for support of the federal No Child Left Behind Act Reading First program.		

2	Federal Expenditures Fund	2003-04	2004-05
4	Positions - Legislative Count	(0.000)	(1.000)
6	Personal Services	0	45,133
8	Federal Expenditures Fund Total	0	45,133
10	Learning Systems 0839		
12	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.		
16	Federal Expenditures Fund	2003-04	2004-05
18	Personal Services	0	48,326
20	Federal Expenditures Fund Total	0	48,326
22	Learning Systems 0839		
24	Initiative: Provides funding for the transfer of 70% of an Education Specialist II position from the Support Systems program to Learning Systems.		
26	Federal Expenditures Fund	2003-04	2004-05
28	Personal Services	0	45,257
30	Federal Expenditures Fund Total	0	45,257
32	Learning Systems 0839		
34	Initiative: Provides funding for the transfer of 5% of an Education Specialist II position from the Truancy, Dropout and Alternative Education program, Other Special Revenue Funds account 014 05A 0839 01, to the federal McKinney Homeless Assistance account 013 05A 0839 01.		
40	Federal Expenditures Fund	2003-04	2004-05
42	Personal Services	3,800	3,812
44	Federal Expenditures Fund Total	3,800	3,812
46	Other Special Revenue Funds	2003-04	2004-05
48	Personal Services	(3,800)	(3,812)
50	Other Special Revenue Funds Total	(3,800)	(3,812)
	Learning Systems 0839		

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

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

Regional Services 0840

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

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

Regional Services 0840

38 Initiative: Allocates funds for the reallocation of the cost of
 40 an Education Specialist III position. Seventy percent of the
 42 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.

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

**Fund for a Healthy Maine - School Nurse
 Consultant 0949**

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

Fund for a Healthy Maine	2003-04	2004-05
Personal Services	350	0
Fund for a Healthy Maine Total	350	0

**EDUCATION, DEPARTMENT OF
 DEPARTMENT TOTALS**

	2003-04	2004-05
GENERAL FUND	0	9,136,331
FEDERAL EXPENDITURES FUND	3,800	347,502
OTHER SPECIAL REVENUE FUNDS	(3,800)	(3,812)
FUND FOR A HEALTHY MAINE	350	0
DEPARTMENT TOTAL - ALL FUNDS	350	9,480,021

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

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

Other Special Revenue Funds	2003-04	2004-05
All Other	0	75,000
Other Special Revenue Funds Total	0	75,000

Land and Water Quality 0248

38 Initiative: Provides for the allocation of funds and related All
 40 Other costs to merge the Borrow Pit account into the Maine
 Environmental Protection Fund as a subaccount to ensure adequate
 42 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)
Other Special Revenue Funds Total	0	(101,460)

2	Remediation and Waste Management 0247		
4	Initiative: Provides for the transfer of one Clerk Typist III position from the MultiSite II Grant account to the Maine Coastal and Inland Surface Oil Clean-up Fund to align functions with funding.		
8			
10	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(45,465)
12			
	Federal Expenditures Fund Total	0	(45,465)
14			
16	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	45,465
18			
	Other Special Revenue Funds Total	0	45,465
20			
22	Remediation and Waste Management 0247		
24	Initiative: Provides funds for the reorganization of a Clerk Typist III position to an Accounting Technician position to support financial management.		
26			
28	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	1,076	4,451
	All Other	21	88
30			
	Other Special Revenue Funds Total	1,097	4,539
32			
34	Remediation and Waste Management 0247		
36	Initiative: Provides for the transfer of one Environmental Technician position from Maine Coastal and Inland Surface Oil Clean-up Fund to the MultiSite II Grant account to align functions with funding.		
38			
40	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	58,497
42			
	Federal Expenditures Fund Total	0	58,497
44			
46	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(58,497)
48			
	Other Special Revenue Funds Total	0	(58,497)
50			

2	Performance Partnership Grant 0851		
4	Initiative: Provides funds to extend a limited-period Environmental Specialist III position through June 17, 2005 under a one-time grant to assist in corrective actions in the backlog of hazardous waste sites.		
6			
8			
10	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	0	63,715
	All Other	0	1,255
12			
	Federal Expenditures Fund Total	0	64,970
14			
16	Performance Partnership Grant 0851		
18	Initiative: Provides funds to extend a limited-period Environmental Specialist III position through June 17, 2005 to support the development of the department's integrated environmental information system.		
20			
22			
24	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	12,057	63,715
	All Other	237	1,255
26			
	Federal Expenditures Fund Total	12,294	64,970
28			
30	Performance Partnership Grant 0851		
32	Initiative: Provides funds to extend a limited-period Environmental Specialist II position through June 17, 2005 to support licensing and compliance of finfish aquaculture facilities.		
34			
36	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	11,070	59,636
	All Other	218	1,175
38			
	Federal Expenditures Fund Total	11,288	60,811
40			
42	Performance Partnership Grant 0851		
44	Initiative: Provides for an increase in the All Other allocation for the Performance Partnership Grant account to reflect increased grant awards.		
46			
48	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	917,730
50			
	Federal Expenditures Fund Total	0	917,730

headcount used to make one Public Service Coordinator I position permanent in the Administration account.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Other Special Revenue Funds Total	0	0

Administrative Service Center 0835

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 be reclassified to an Environmental Specialist III position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(75,577)
Other Special Revenue Funds Total	0	(75,577)

Administrative Service Center 0835

Initiative: Provides for the transfer of one Public Service 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.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(88,367)
Other Special Revenue Funds Total	0	(88,367)

Administrative Service Center 0835

Initiative: Provides for the elimination of one Public Service 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.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(-1.000)
Personal Services	0	(91,304)
Other Special Revenue Funds Total	0	(91,304)

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS

2003-04	2004-05
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2 **Maine Environmental Protection Fund 0421**
 4 Initiative: Provides for the allocation of funds and related All
 6 Other costs to merge the Borrow Pit Regulation, Other Special
 8 Revenue Funds account into the Maine Environmental Protection
 10 Fund as a subaccount to ensure adequate allocations for the
 12 program. An Environmental Specialist IV position and related All
 14 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
Other Special Revenue Funds Total	0	101,460

18 **Maine Environmental Protection Fund 0421**

20 Initiative: Provides for the transfer of one Public Service
 22 Manager I position from the ACE Service Center account to the
 24 Maine Environmental Protection Fund account. The position will
 26 be reclassified to an Environmental Specialist III position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	61,358
All Other	0	6,450
Other Special Revenue Funds Total	0	67,808

32 **Administration - Environmental Protection 0251**

34 Initiative: Provides for the transfer of one Public Service
 36 Manager I position from the ACE Service Center account to the
 38 Administration account. The position will be reclassified to a
 40 Public Service Coordinator I position.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	0	74,211
All Other	0	1,991
Other Special Revenue Funds Total	0	76,202

46 **Administration - Environmental Protection 0251**

48 Initiative: Provides for the elimination of one Public Service
 Manager II position in the ACE Service Center account and the

2	FEDERAL EXPENDITURES FUND	23,582	1,121,513
4	OTHER SPECIAL REVENUE FUNDS	1,097	(44,731)
6	DEPARTMENT TOTAL - ALL FUNDS	24,679	1,076,782

6 **ETHICS AND ELECTIONS PRACTICES, COMMISSION ON GOVERNMENTAL**

8 **Governmental Ethics and Election Practices - Commission on 0414**

10 Initiative: Provides for the allocation of funds to cover an anticipated shortfall in the Maine Clean Election Fund in the 2004 elections. This request will reduce General Fund undedicated revenue.

16	Other Special Revenue Funds	2003-04	2004-05
18	All Other	0	1,555,000
20	Other Special Revenue Funds Total	0	1,555,000

22 **Governmental Ethics and Election Practices - Commission on 0414**

24 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.

28	Other Special Revenue Funds	2003-04	2004-05
30	Personal Services	1,500	1,500
32	All Other	(1,500)	(1,500)
34	Other Special Revenue Funds Total	0	0

36 **ETHICS AND ELECTIONS PRACTICES, COMMISSION ON GOVERNMENTAL DEPARTMENT TOTALS**

38		2003-04	2004-05
40	OTHER SPECIAL REVENUE FUNDS	0	1,555,000
42	DEPARTMENT TOTAL - ALL FUNDS	0	1,555,000

44 **EXECUTIVE DEPARTMENT**

46 **Administration - Executive - Governor's Office 0165**

48 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

2 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.

8	General Fund	2003-04	2004-05
10	Positions - Legislative Count	(9,000)	(9,000)
12	Personal Services	179,486	828,580
14	All Other	60,000	98,500
16	General Fund Total	239,486	927,080

18	Federal Expenditures Fund	2003-04	2004-05
20	Personal Services	0	70,962
22	All Other	0	8,051
24	Federal Expenditures Fund Total	0	79,013

26 **Planning Office 0082**

28 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.

28	Other Special Revenue Funds	2003-04	2004-05
30	Positions - Legislative Count	(0.000)	(-1,000)
32	Personal Services	0	(92,172)
34	All Other	0	(21,828)
36	Other Special Revenue Funds Total	0	(114,000)

38 **Public Advocate 0410**

40 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.

40	Other Special Revenue Funds	2003-04	2004-05
42	Positions - Legislative Count	(0.000)	(1,000)
44	Personal Services	0	112,642
46	All Other	0	211,358
48	Other Special Revenue Funds Total	0	324,000

50 **EXECUTIVE DEPARTMENT**

50	DEPARTMENT TOTALS	2003-04	2004-05
	GENERAL FUND	239,486	927,080

2	FEDERAL EXPENDITURES FUND	0	79,013
	OTHER SPECIAL REVENUE FUNDS	0	210,000
4	DEPARTMENT TOTAL - ALL FUNDS	239,486	1,216,093

6 FINANCE AUTHORITY OF MAINE

8 Student Financial Assistance Programs 0653

10 Initiative: Deappropriates funds from the Maine State Grant
 12 Program for expenditures that will be paid from Temporary
 14 Assistance for Needy Families, TANF, Prevention Services within
 the TANF Block Grant to provide job preparation funds to TANF -
 Parents as Scholars participants.

16	General Fund	2003-04	2004-05
	All Other	0	(183,250)
18	General Fund Total	0	(183,250)

20 FINANCE AUTHORITY OF MAINE
 22 DEPARTMENT TOTALS

24	GENERAL FUND	0	(183,250)
26	DEPARTMENT TOTAL - ALL FUNDS	0	(183,250)

28 HUMAN SERVICES, DEPARTMENT OF

30 Office of Management and Budget 0142

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

38	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	19,594	0
40	Federal Expenditures Fund Total	19,594	0

42 Office of Management and Budget 0142

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

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

6 Office of Management and Budget 0142

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

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

18 Office of Management and Budget 0142

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

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

30 Office of Management and Budget 0142

32 Initiative: Provides for the appropriation and deappropriation,
 34 allocation and deallocation of funds and transfer of positions to
 36 continue 3 Managing Staff Accountant positions that were
 previously established through Financial Order 489 F4, one
 38 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
 40 upgrading existing positions within the Office of Management and
 Budget.

42	General Fund	2003-04	2004-05
	Positions - Legislative Count	(0,000)	(2,000)
44	Personal Services	0	145,725
	All Other	0	(21,222)
46	General Fund Total	0	124,503

48	Federal Expenditures Fund	2003-04	2004-05
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2	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	119,108
4	Federal Expenditures Fund Total	0	119,108
6	Office of Management and Budget 0142		
8	Initiative: Provides for the allocation of funds to transfer one project Systems Team Leader position and one Database Analyst position in the Office of Management and Budget and one Programmer Analyst position in the Office of Management and Budget dedicated revenue account to the Federal Project Grants account.		
10			
12			
14			
16	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(163,908)
18	Federal Expenditures Fund Total	0	(163,908)
20			
22	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(76,085)
24	Other Special Revenue Funds Total	0	(76,085)
26			
28	Fund for a Healthy Maine - Service Center 0957		
30	Initiative: Provides for the deallocation of funds through a transfer of salary savings to the Fund for a Healthy Maine to cover a Personal Services shortfall. Several of the FHM programs are fully staffed and are unable to achieve the anticipated savings through attrition, resulting in insufficient Personal Services allocation for fiscal year 2003-04.		
32			
34			
36	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	(2,500)	0
38	Fund for a Healthy Maine Total	(2,500)	0
40			
42	Community Services Center 0845		
44	Initiative: Provides for the allocation of funds to reflect the amount of revenue collected in child care licensing fees for the administration of the program.		
46			
48	Other Special Revenue Funds	2003-04	2004-05
	All Other	0	200,000
50	Other Special Revenue Funds Total	0	200,000

2	Purchased Social Services 0228		
4	Initiative: Allocates funds from federal grants to provide language training, employment and support services to newly arrived refugees.		
6			
8	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	62,500
10	Federal Expenditures Fund Total	0	62,500
12			
14	Bureau of Child and Family Services - Central 0307		
16	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.		
18			
20			
22			
24			
26			
28	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(5.000)
	Personal Services	0	359,715
	All Other	0	(305,566)
32	Federal Expenditures Fund Total	0	54,149
34			
36	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)
38	Other Special Revenue Funds Total	0	169,269
40			
42	Bureau of Child and Family Services - Central 0307		
44	Initiative: Allocates funds from a federal grant for adoption opportunities to increase placements of children in foster care through building relationships.		
46			
48	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	87,500
50			

2	Federal Expenditures Fund Total	0	87,500
4	Bureau of Child and Family Services - Central 0307		
6	Initiative: Provides for the appropriation of funds required to evaluate the placement setting of children in state custody to determine if a less restrictive placement is appropriate.		
8	General Fund	2003-04	2004-05
10	All Other	0	200,000
12	General Fund Total	0	200,000
14	Foster Care 0137		
16	Initiative: Provides for the deappropriation and deallocation of funds as a transfer of estimated balances in the General Fund from Foster Care to Child Welfare Services to offset an estimated shortfall in fiscal year 2003-04.		
20	General Fund	2003-04	2004-05
22	All Other	(2,200,223)	0
24	General Fund Total	(2,200,223)	0
26	Federal Expenditures Fund	2003-04	2004-05
28	All Other	(4,413,167)	0
30	Federal Expenditures Fund Total	(4,413,167)	0
32	Foster Care 0137		
34	Initiative: Deappropriates and deallocates funds as a result of savings generated from the transfer of children in institutional care or in high-cost settings to less restrictive settings after evaluation.		
38	General Fund	2003-04	2004-05
40	All Other	0	(330,960)
42	General Fund Total	0	(330,960)
44	Federal Expenditures Fund	2003-04	2004-05
46	All Other	0	(640,873)
48	Federal Expenditures Fund Total	0	(640,873)
	Child Welfare Services 0139		

2	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 an estimated shortfall in fiscal year 2003-04.		
4			
6	General Fund	2003-04	2004-05
8	All Other	2,200,223	0
10	General Fund Total	2,200,223	0
12	Child Welfare Services 0139		
14	Initiative: Deappropriates 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 community intervention.		
16			
18	General Fund	2003-04	2004-05
20	All Other	0	(1,500,000)
22	General Fund Total	0	(1,500,000)
24	Child Welfare Services 0139		
26	Initiative: Deappropriates and deallocates funds as a result of savings generated from the transfer of children in institutional care or in high-cost settings to less restrictive settings after evaluation.		
28			
30	General Fund	2003-04	2004-05
32	All Other	0	(194,040)
34	General Fund Total	0	(194,040)
36	Elder and Adult Services - Bureau of 0140		
38	Initiative: Provides for the allocation of funds to establish one Social Services Program Specialist II position to administer the Maine Resources Network Project. This position will end on September 29, 2006.		
40			
42	Federal Expenditures Fund	2003-04	2004-05
44	Personal Services	20,074	81,412
46	All Other	5,017	174,719
48	Federal Expenditures Fund Total	25,091	256,131
	Elder and Adult Services - Bureau of 0140		

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

General Fund	2003-04	2004-05
All Other	0	177,232
General Fund Total	0	177,232

Long-term Care - Human Services 0420

Initiative: Deappropriates funds by implementing changes that will make this 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	(3,250,000)
General Fund Total	0	(3,250,000)

Congregate Housing 0211

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.

General Fund	2003-04	2004-05
All Other	0	(800,000)
General Fund Total	0	(800,000)

Health - Bureau of 0143

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	0	99,901
Federal Expenditures Fund Total	0	99,901

Health - Bureau of 0143

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

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,669
All Other	0	(2,669)
Federal Expenditures Fund Total	0	0

Health - Bureau of 0143

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

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

Health - Bureau of 0143

Initiative: Provides for the transfer of funds to upgrade a Planning and Research Assistant position to a Public Health 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.

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

Health - Bureau of 0143

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

Federal Expenditures Fund	2003-04	2004-05
Personal Services	0	2,407

2	All Other	0	(2,407)
4	Federal Expenditures Fund Total	0	0

6 **Health - Bureau of 0143**

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

10	Federal Expenditures Fund	2003-04	2004-05
12	Personal Services	0	74,192
14	All Other	0	(74,192)
16	Federal Expenditures Fund Total	0	0

18 **Health - Bureau of 0143**

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

24	Federal Expenditures Fund	2003-04	2004-05
26	Personal Services	0	2,400
28	All Other	0	(2,400)
30	Federal Expenditures Fund Total	0	0

32 **Health - Bureau of 0143**

34 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.

38	Federal Expenditures Fund	2003-04	2004-05
40	Personal Services	0	70,816
42	Federal Expenditures Fund Total	0	70,816

44 **Health - Bureau of 0143**

46 Initiative: Provides for the transfer of funds for 17 positions from the Public Drinking Water Fund, Other Special Revenue Funds account to the Federal Project Grants, Federal Expenditures Fund. These positions are being funded by a federal

2 Environmental Protection Agency grant for public water supply supervision.

4	Federal Expenditures Fund	2003-04	2004-05
6	Positions - Legislative Count	(0.000)	(17.000)
8	Personal Services	0	1,096,112
10	All Other	0	171,529
12	Federal Expenditures Fund Total	0	1,267,641

12 **Health - Bureau of 0143**

14 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.

16	Federal Expenditures Fund	2003-04	2004-05
18	All Other	423,500	423,500
20	Federal Expenditures Fund Total	423,500	423,500

22 **Health - Bureau of 0143**

24 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.

28	Federal Expenditures Fund	2003-04	2004-05
30	Personal Services	0	3,111
32	All Other	0	(3,111)
34	Federal Expenditures Fund Total	0	0

34 **Health - Bureau of 0143**

36 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.

40	Other Special Revenue Funds	2003-04	2004-05
42	Personal Services	0	2,747
44	All Other	0	(2,747)
46	Other Special Revenue Funds Total	0	0

48 **Health - Bureau of 0143**

50 Initiative: Provides for the allocation of funds necessary for the Health and Environmental Testing Laboratory to purchase

2 supplies and contracts associated with fee-for-service support of analytical testing.

4	Other Special Revenue Funds	2003-04	2004-05
	All Other	0	100,000
6			
	Other Special Revenue Funds Total	0	100,000

8 **Health - Bureau of 0143**

10 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.

16	General Fund	2003-04	2004-05
18	Personal Services	3,510	4,437
	All Other	(3,510)	(4,437)
20			
	General Fund Total	0	0

22 **Health - Bureau of 0143**

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

28	Federal Expenditures Fund	2003-04	2004-05
30	Positions - Legislative Count	(0,000)	(1,000)
	Personal Services	0	70,137
32	All Other	0	(70,137)
34			
	Federal Expenditures Fund Total	0	0

36 **Health - Bureau of 0143**

38 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.

42	Federal Expenditures Fund	2003-04	2004-05
44	Personal Services	0	2,731
	All Other	0	(2,731)
46			
	Federal Expenditures Fund Total	0	0

48 **Health - Bureau of 0143**

50

2 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.

8	General Fund	2003-04	2004-05
	Personal Services	0	4,391
10	All Other	0	(4,391)
12			
	General Fund Total	0	0

14 **Health - Bureau of 0143**

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

18	General Fund	2003-04	2004-05
	Personal Services	0	(713)
20			
	General Fund Total	0	(713)

28 **Health - Bureau of 0143**

30 Initiative: Provides for the allocation of funds to transfer one project Systems Team Leader position and one Database Analyst position in the Office of Management and Budget and one Programmer Analyst position in the Office of Management and Budget Dedicated Revenue account to the Federal Project Grants account.

32	Federal Expenditures Fund	2003-04	2004-05
	Positions - Legislative Count	(0,000)	(2,000)
34	Personal Services	0	239,993
36			
	Federal Expenditures Fund Total	0	239,993

42 **Maternal and Child Health 0191**

44 Initiative: Provides for the allocation of funds for the Medical Home for Children with Special Health Care Needs initiative to improve and ensure the sustainability of a statewide implementation of a medical home for children with special health care needs.

50

2	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	200,000
4			
6	Federal Expenditures Fund Total	0	200,000

8 **Maternal and Child Health 0191**

10 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.

14	Federal Block Grant Fund	2003-04	2004-05
16	Personal Services	(3,510)	(4,437)
18	Federal Block Grant Fund Total	(3,510)	(4,437)

20 **Maternal and Child Health 0191**

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

30	Federal Block Grant Fund	2003-04	2004-05
32	Personal Services	0	713
34	Federal Block Grant Fund Total	0	713

36 **Maternal and Child Health 0191**

38 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.

42	Federal Block Grant Fund	2003-04	2004-05
	Personal Services	0	1,178
	All Other	0	(1,178)
44	Federal Block Grant Fund Total	0	0

46 **Special Children's Services 0204**

2 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.

4	Federal Block Grant Fund	2003-04	2004-05
6	Personal Services	0	2,404
	All Other	0	(2,404)
8	Federal Block Grant Fund Total	0	0

12 **Special Children's Services 0204**

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

18	Federal Block Grant Fund	2003-04	2004-05
	Personal Services	0	5,834
	All Other	0	(5,834)
20	Federal Block Grant Fund Total	0	0

22 **Plumbing - Control Over 0205**

24 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.

28	Other Special Revenue Funds	2003-04	2004-05
30	Personal Services	0	2,720
32	All Other	0	(2,720)
34	Other Special Revenue Funds Total	0	0

36 **Fund for a Healthy Maine - Bureau of Health 0953**

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

42	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	0	2,596
	All Other	0	(2,596)
44	Fund for a Healthy Maine Total	0	0

46 **Fund for a Healthy Maine - Bureau of Health 0953**

48 Initiative: Provides for the deallocation of funds through a transfer of salary savings to the Fund for a Healthy Maine to

2 cover a Personal Services shortfall. Several of the FHM programs
 4 are fully staffed and are unable to achieve the anticipated
 4 savings through attrition, resulting in an insufficient Personal
 4 Services allocation for fiscal year 2003-04.

6	Fund for a Healthy Maine	2003-04	2004-05
8	Personal Services	(11,701)	0
10	Fund for a Healthy Maine Total	(11,701)	0

12 **Drinking Water Enforcement 0728**

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

20	Other Special Revenue Funds	2003-04	2004-05
22	Positions - Legislative Count	(0.000)	(-17.000)
24	Personal Services	0	(1,096,112)
26	All Other	0	(171,529)
28	Other Special Revenue Funds Total	0	(1,267,641)

30 **Bureau of Family Independence - Central 0100**

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

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

38 **Temporary Assistance for Needy Families 0138**

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

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

50 **Temporary Assistance for Needy Families 0138**

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

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

10 **Temporary Assistance for Needy Families 0138**

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

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

22 **Departmentwide 0640**

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

30	General Fund	2003-04	2004-05
32	Personal Services	(822,084)	0
34	General Fund Total	(822,084)	0

36 **Fund for a Healthy Maine - BFI - Central 0954**

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

44	Fund for a Healthy Maine	2003-04	2004-05
46	Personal Services	9,000	0
48	Fund for a Healthy Maine Total	9,000	0

50 **General Assistance - Reimbursement to Cities
 and Towns 0130**

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

8	General Fund	2003-04	2004-05
10	All Other	1,100,000	0
12	General Fund Total	1,100,000	0

14 **General Assistance - Reimbursement to Cities
and Towns 0130**

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

20	Federal Block Grant Fund	2003-04	2004-05
22	All Other	268,000	1,000,000
24	Federal Block Grant Fund Total	268,000	1,000,000

26 **General Assistance - Reimbursement to Cities
and Towns 0130**

28 Initiative: Appropriates funds as a result of an anticipated
 30 shortfall in fiscal year 2004-05.

32	General Fund	2003-04	2004-05
34	All Other	0	700,000
36	General Fund Total	0	700,000

38 **Bureau of Medical Services 0129**

40 Initiative: Provides for the appropriation and deappropriation,
 42 allocation and deallocation of funds and transfer of positions to
 44 continue 3 Managing Staff Accountant positions that were
 46 previously established through Financial Order 489 F4, and 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.

48	General Fund	2003-04	2004-05
50	Positions - Legislative Count	(0.000)	(-2.000)
	Personal Services	0	(124,503)

2 General Fund Total 0 (124,503)

4	Federal Expenditures Fund	2003-04	2004-05
6	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(37,177)
8	Federal Expenditures Fund Total	0	(37,177)

10 **Bureau of Medical Services 0129**

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

16	Federal Expenditures Fund	2003-04	2004-05
18	All Other	5,221,172	1,558,937
20	Federal Expenditures Fund Total	5,221,172	1,558,937

22 **Bureau of Medical Services 0129**

24 Initiative: Appropriates and allocates funds for contractual
 26 services to implement changes in the MaineCare benefit package,
 establishment of medical criteria, performance of medical
 assessment activities, utilization review, increased prior
 authorization and medical management.

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

34	Federal Expenditures Fund	2003-04	2004-05
36	All Other	0	1,000,000
38	Federal Expenditures Fund Total	0	1,000,000

40 **Bureau of Medical Services 0129**

42 Initiative: Appropriates and allocates funds for contractual
 44 services related to implementing stricter prior authorization,
 increased invoicing for rebates and additional pharmacist support.

46	General Fund	2003-04	2004-05
48	All Other	0	250,000
50	General Fund Total	0	250,000

50	Federal Expenditures Fund	2003-04	2004-05
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2	All Other	0	650,000
4	Federal Expenditures Fund Total	0	650,000
6	Bureau of Medical Services 0129		
8	Initiative: Appropriates and allocates funds for contractual services for increased claims processing support, system changes and drug file management.		
10	General Fund	2003-04	2004-05
12	All Other	0	250,000
14	General Fund Total	0	250,000
16	Federal Expenditures Fund	2003-04	2004-05
18	All Other	0	650,000
20	Federal Expenditures Fund Total	0	650,000
22	Fund for a Healthy Maine - Bureau of Medical Services 0955		
24	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.		
30	Fund for a Healthy Maine	2003-04	2004-05
32	Personal Services	2,500	0
34	Fund for a Healthy Maine Total	2,500	0
36	Medical Care - Payments to Providers 0147		
38	Initiative: Provides for the deallocation of funds for the 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.		
44	Federal Expenditures Fund	2003-04	2004-05
46	All Other	0	(1,941,411)
48	Federal Expenditures Fund Total	0	(1,941,411)
50	Medical Care - Payments to Providers 0147		

2	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 MaineCare shortfall in fiscal year 2004-05 for the mental retardation waiver.		
6	Federal Expenditures Fund	2003-04	2004-05
8	All Other	0	11,370,359
10	Federal Expenditures Fund Total	0	11,370,359
12	Medical Care - Payments to Providers 0147		
14	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 MaineCare shortfall in mental health children's services.		
18	Federal Expenditures Fund	2003-04	2004-05
20	All Other	0	12,719,006
22	Federal Expenditures Fund Total	0	12,719,006
24	Medical Care - Payments to Providers 0147		
26	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 MaineCare shortfall in mental health community services.		
30	Federal Expenditures Fund	2003-04	2004-05
32	All Other	0	8,974,964
34	Federal Expenditures Fund Total	0	8,974,964
36	Medical Care - Payments to Providers 0147		
38	Initiative: Provides for the deappropriation of funds to be transferred to the Department of Behavioral and Developmental Services for the Mental Health Services - Community program for the provision of room and board services.		
44	General Fund	2003-04	2004-05
46	All Other	0	(103,405)
48	General Fund Total	0	(103,405)
50	Medical Care - Payments to Providers 0147		

2 Initiative: Provides for the allocation of funds in accordance
 2 with the Maine Revised Statutes, Title 36, section 2873,
 4 subsection 4, paragraph A from the tax on residential treatment
 4 facilities and nursing homes to increase payments to medical care
 6 providers, nursing facilities and for direct services in the
 6 Home-based Care program.

8	Federal Expenditures Fund	2003-04	2004-05
10	All Other	0	3,019,936
12	Federal Expenditures Fund Total	0	3,019,936

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

14 Initiative: Appropriates and allocates funds to meet a projected
 16 shortfall.

18	General Fund	2003-04	2004-05
20	All Other	0	99,702,596
22	General Fund Total	0	99,702,596

24	Federal Expenditures Fund	2003-04	2004-05
26	All Other	0	186,552,345
28	Federal Expenditures Fund Total	0	186,552,345

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

30 Initiative: Allocates funds from the hospital tax for MaineCare
 32 program expenses.

34	Other Special Revenue Funds	2003-04	2004-05
36	All Other	0	16,600,000
38	Other Special Revenue Funds Total	0	16,600,000

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

40 Initiative: Provides for the allocation of funds for the federal
 42 seed of a General Fund appropriation in the Department of Labor
 42 for its share of the MaineCare shortfall in fiscal year 2004-05.

44	Federal Expenditures Fund	2003-04	2004-05
46	All Other	0	2,236,654
48	Federal Expenditures Fund Total	0	2,236,654

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

2 Initiative: Deappropriates and deallocates funds to pay
 2 hospital-based physician practices on the same basis as
 4 independent physician practices.

6	General Fund	2003-04	2004-05
8	All Other	0	(900,000)
10	General Fund Total	0	(900,000)

12	Federal Expenditures Fund	2003-04	2004-05
14	All Other	0	(1,683,979)
16	Federal Expenditures Fund Total	0	(1,683,979)

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

18 Initiative: Deappropriates and deallocates funds in the MaineCare
 18 pharmacy initiatives, including review of pharmacy use in certain
 20 supervised settings, stricter prior authorization criteria for
 20 the preferred drug list and request federal permission to waive
 22 freedom of choice.

24	General Fund	2003-04	2004-05
26	All Other	0	(6,250,000)
28	General Fund Total	0	(6,250,000)

30	Federal Expenditures Fund	2003-04	2004-05
32	All Other	0	(11,694,300)
34	Federal Expenditures Fund Total	0	(11,694,300)

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

36 Initiative: Deappropriates and deallocates funds by initiating a
 36 voluntary pharmacy mail order program for certain specialty drugs
 38 on the direct supply drug list and other MaineCare and low-cost
 38 drugs for the elderly prescriptions.

40	General Fund	2003-04	2004-05
42	All Other	0	(5,000,000)
44	General Fund Total	0	(5,000,000)

46	Federal Expenditures Fund	2003-04	2004-05
48	All Other	0	(9,355,440)
50	Federal Expenditures Fund Total	0	(9,355,440)

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

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

6	Other Special Revenue Funds	2003-04	2004-05
8	All Other	0	42,934,004
10	Other Special Revenue Funds Total	0	42,934,004

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

14 Initiative: Deappropriates funds due to enhanced estate recovery
and asset transfer recoupment from MaineCare clients.

16	General Fund	2003-04	2004-05
18	All Other	0	(250,000)
20	General Fund Total	0	(250,000)

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

24 Initiative: Deappropriates and deallocates funds through access
of the prescription drug monitoring database, which will decrease
inappropriate utilization of MaineCare pharmacy services.

26	General Fund	2003-04	2004-05
28	All Other	0	(100,000)
30	General Fund Total	0	(100,000)

32	Federal Expenditures Fund	2003-04	2004-05
34	All Other	0	(187,109)
36	Federal Expenditures Fund Total	0	(187,109)

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

40 Initiative: Deappropriates and deallocates funds from the
redesign of the Medical Eye Care program.

42	General Fund	2003-04	2004-05
44	All Other	0	(203,000)
46	General Fund Total	0	(203,000)

48	Federal Expenditures Fund	2003-04	2004-05
50	All Other	0	(379,831)
	Federal Expenditures Fund Total	0	(379,831)

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

4 Initiative: Deappropriates and deallocates funds to implement
MaineCare Basic for all adults.

6	General Fund	2003-04	2004-05
8	All Other	0	(20,733,128)
10	General Fund Total	0	(20,733,128)

12	Federal Expenditures Fund	2003-04	2004-05
14	All Other	0	(38,793,509)
16	Federal Expenditures Fund Total	0	(38,793,509)

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

20 Initiative: Deappropriates and deallocates funds to implement
MaineCare Basic for childless adults.

22	General Fund	2003-04	2004-05
24	All Other	0	(2,200,000)
26	General Fund Total	0	(2,200,000)

28	Federal Expenditures Fund	2003-04	2004-05
30	All Other	0	(4,116,394)
32	Federal Expenditures Fund Total	0	(4,116,394)

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
to be achieved by implementing more cost-effective service
delivery models based on standardized functional assessments and
standardized rates and targeted rate reductions to achieve
payment equity.

42	Federal Expenditures Fund	2003-04	2004-05
44	All Other	0	(7,858,570)
46	Federal Expenditures Fund Total	0	(7,858,570)

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

50 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 to be achieved by setting rate caps at the median rate for all services with current rates above the median to achieve payment equity among service providers.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(841,990)
Federal Expenditures Fund Total	0	(841,990)

Medical Care - Payments to Providers 0147

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 to be achieved by: reducing rates for outpatient services to 120% of the MaineCare rates for private practitioners to achieve payment equity among service providers; and establishing limits on duration of outpatient services with prior authorization to exceed the limits for seriously mentally ill adults.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(3,444,673)
Federal Expenditures Fund Total	0	(3,444,673)

Medical Care - Payments to Providers 0147

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 to be achieved by implementing a single point of access for services, independent assessment of medical necessity and level of care and prior authorization and utilization review of services in the plans of care.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(4,209,948)
Federal Expenditures Fund Total	0	(4,209,948)

Medical Care - Payments to Providers 0147

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 to be achieved by setting rate caps at the median rate for all services with current rates above the median to achieve payment equity among service providers.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(1,590,425)
Federal Expenditures Fund Total	0	(1,590,425)

Medical Care - Payments to Providers 0147

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 to be achieved by: reducing rates for outpatient services to 120% of the MaineCare rates for private practitioners to achieve payment equity among service providers; and establishing limits on duration of outpatient services with prior authorization to exceed the limits for seriously emotionally disturbed children.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(4,174,398)
Federal Expenditures Fund Total	0	(4,174,398)

Medical Care - Payments to Providers 0147

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 to be achieved by eliminating child and family community support and in-home support services and implementing a redesigned benefit based on clinical criteria.

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

Medical Care - Payments to Providers 0147

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 to be achieved by establishing cost caps in intermediate care facilities/mental retardation cost principles.

Federal Expenditures Fund	2003-04	2004-05
All Other	0	(327,440)
Federal Expenditures Fund Total	0	(327,440)

Medical Care - Payments to Providers 0147

2 Initiative: Provides for the deallocation of funds for the
 4 federal seed of a General Fund deappropriation in the Department
 6 of Behavioral and Developmental Services as a result of savings
 8 to be achieved by redesigning day habilitation benefits for
 10 adults and children and standardizing rates.

8	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	(626,815)
10	Federal Expenditures Fund Total	<u>0</u>	<u>(626,815)</u>

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

14 Initiative: Provides for the deappropriation and deallocation of
 16 funds associated with the mental health parity provisions.

18	General Fund	2003-04	2004-05
	All Other	0	(1,525,000)
20	General Fund Total	<u>0</u>	<u>(1,525,000)</u>

22	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	(2,853,409)
24	Federal Expenditures Fund Total	<u>0</u>	<u>(2,853,409)</u>

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

28 Initiative: Provides for the allocation of funds for the federal
 30 seed of a General Fund appropriation in the Department of
 32 Behavioral and Developmental Services for its share of the
 34 MaineCare shortfall in the Medicaid Match - Mental Retardation
 program.

36	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	409,991
38	Federal Expenditures Fund Total	<u>0</u>	<u>409,991</u>

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

42 Initiative: Deappropriates and deallocates funds as a result of
 44 reducing the inflation adjustment provided to medical and
 remedial private nonmedical institutions.

46	General Fund	2003-04	2004-05
	All Other	0	(200,000)
48	General Fund Total	<u>0</u>	<u>(200,000)</u>

50

2	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	(374,218)
4	Federal Expenditures Fund Total	<u>0</u>	<u>(374,218)</u>

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

8 Initiative: Deappropriates funds as a result of savings to be
 10 achieved by creating a formulary of covered drugs in the drugs
 for elderly and disabled program.

12	General Fund	2003-04	2004-05
	All Other	0	(3,000,000)
14	General Fund Total	<u>0</u>	<u>(3,000,000)</u>

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

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

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

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

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

36 Initiative: Deappropriates and deallocates funds by promoting
 38 more consistent authorization of services across comparable home
 care programs.

40	General Fund	2003-04	2004-05
	All Other	0	(1,400,000)
42	General Fund Total	<u>0</u>	<u>(1,400,000)</u>

44	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	(3,367,959)
46	Federal Expenditures Fund Total	<u>0</u>	<u>(3,367,959)</u>

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

2 Initiative: Deappropriates and deallocates funds by establishing
 4 medical eligibility for medical and remedial private nonmedical
 institutions.

6	General Fund	2003-04	2004-05
	All Other	0	(100,000)
8	General Fund Total	0	(100,000)
10	Federal Expenditures Fund	2003-04	2004-05
12	All Other	0	(187,109)
14	Federal Expenditures Fund Total	0	(187,109)

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

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

22	General Fund	2003-04	2004-05
24	All Other	0	278,640
26	General Fund Total	0	278,640
28	Federal Expenditures Fund	2003-04	2004-05
30	All Other	0	521,360
32	Federal Expenditures Fund Total	0	521,360

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

36 Initiative: Adjusts appropriations and allocations as a result of
 an increase in the hospital tax.

38	General Fund	2003-04	2004-05
40	All Other	0	(23,159,648)
42	General Fund Total	0	(23,159,648)
44	Other Special Revenue Funds	2003-04	2004-05
46	All Other	0	23,159,648
48	Other Special Revenue Funds Total	0	23,159,648

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

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

6	General Fund	2003-04	2004-05
	All Other	0	(300,000)
8	General Fund Total	0	(300,000)
10	Federal Expenditures Fund	2003-04	2004-05
12	All Other	0	(561,326)
14	Federal Expenditures Fund Total	0	(561,326)

16 **Nursing Facilities 0148**

18 Initiative: Provides for the allocation of funds in accordance
 20 with the Maine Revised Statutes, Title 36, section 2873,
 subsection 4, paragraph A from the tax on residential treatment
 facilities and nursing homes to increase payments to medical care
 providers, nursing facilities and for direct services in the
 Home-based Care program.

24	Federal Expenditures Fund	2003-04	2004-05
26	All Other	0	18,307,537
28	Federal Expenditures Fund Total	0	18,307,537

30 **Nursing Facilities 0148**

32 Initiative: Appropriates and allocates funds to meet a projected
 shortfall.

34	General Fund	2003-04	2004-05
36	All Other	0	8,926,129
38	General Fund Total	0	8,926,129
40	Federal Expenditures Fund	2003-04	2004-05
42	All Other	0	16,701,574
44	Federal Expenditures Fund Total	0	16,701,574

44 **Nursing Facilities 0148**

46 Initiative: Deappropriates funds by reducing supplemental
 48 reimbursement to nursing homes funded by the nursing home tax
 initiative.

50	General Fund	2003-04	2004-05
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2	All Other	0	(5,800,000)
4	General Fund Total	0	(5,800,000)
6	Nursing Facilities 0148		
8	Initiative: Deappropriates funds due to enhanced estate recovery and asset transfer recoupment from MaineCare clients.		
10	General Fund	2003-04	2004-05
12	All Other	0	(250,000)
14	General Fund Total	0	(250,000)
16	Nursing Facilities 0148		
18	Initiative: Deallocates and allocates funds from the Nursing Facilities program to the Nursing Facilities - NF Tax program to reflect allocation in the proper appropriation unit and meet program expenses.		
22	Other Special Revenue Funds	2003-04	2004-05
24	All Other	0	14,534,769
26	Other Special Revenue Funds Total	0	14,534,769
28	HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
30	GENERAL FUND	1,100,000	30,814,703
32	FEDERAL EXPENDITURES FUND	1,307,189	164,722,384
34	OTHER SPECIAL REVENUE FUNDS	0	96,358,524
	FUND FOR A HEALTHY MAINE	(2,701)	0
	FEDERAL BLOCK GRANT FUND	2,292,797	2,996,276
36	DEPARTMENT TOTAL - ALL FUNDS	4,697,285	294,891,887
38	INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
40	Maine Outdoor Heritage Fund 0829		
42	Initiative: Deallocates funds based on the reprojected of revenues for the Outdoor Heritage Fund.		
44	Other Special Revenue Funds	2003-04	2004-05
46	All Other	0	(190,065)
48	Other Special Revenue Funds Total	0	(190,065)
50			

2	Resource Management Services - Inland Fisheries and Wildlife 0534		
4	Initiative: Allocates funds to create 2 limited-period Biology Specialist positions through December 31, 2008 to carry out lynx research. Seventy-five percent of the funding for these 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.		
6			
8			
10	Federal Expenditures Fund	2003-04	2004-05
12	Personal Services	20,332	85,798
14	All Other	20,000	20,000
16	Federal Expenditures Fund Total	40,332	105,798
18	Fisheries and Hatcheries Operations 0535		
20	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.		
22			
24			
26			
28	Federal Expenditures Fund	2003-04	2004-05
30	Personal Services	20,332	85,798
32	Federal Expenditures Fund Total	20,332	85,798
34	Endangered Nongame Operations 0536		
36	Initiative: Allocates funds to create 2 limited-period Biology Specialist positions through December 31, 2008 to carry out lynx research. Seventy-five percent of the funding for these 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.		
38			
40			
42			
44	Other Special Revenue Funds	2003-04	2004-05
46	Personal Services	6,770	28,596
48	Other Special Revenue Funds Total	6,770	28,596
50			

2 **Endangered Nongame Operations 0536**

4 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.

12

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

20 **Enforcement Operations - Inland Fisheries and Wildlife 0537**

22 Initiative: Provides funds for approved range changes of the Game Wardens, Game Warden Specialists, Game Warden Investigators, Game Warden Sergeants, Game Warden Pilots, Game Warden Lieutenants, the Game Warden Pilot Supervisor and the Public Service Manager I, Game Warden Major.

26

28	General Fund	2003-04	2004-05
30	Personal Services	1,302,681	590,395
32	General Fund Total	1,302,681	590,395

34	Other Special Revenue Funds	2003-04	2004-05
36	Personal Services	26,432	22,514
38	Other Special Revenue Funds Total	26,432	22,514

38 **Whitewater Rafting - Inland Fisheries and Wildlife 0539**

40 Initiative: Provides funds for approved range changes of the Game Wardens, Game Warden Specialists, Game Warden Investigators, Game Warden Sergeants, Game Warden Pilots, Game Warden Lieutenants, the Game Warden Pilot Supervisor and the Public Service Manager I, Game Warden Major.

46

48	Other Special Revenue Funds	2003-04	2004-05
50	Personal Services	8,134	2,601
	Other Special Revenue Funds Total	8,134	2,601

2 **ATV Safety and Educational Program 0559**

4 Initiative: Provides funds for approved range changes of the Game Wardens, Game Warden Specialists, Game Warden Investigators, Game Warden Sergeants, Game Warden Pilots, Game Warden Lieutenants, the Game Warden Pilot Supervisor and the Public Service Manager I, Game Warden Major.

8

10	General Fund	2003-04	2004-05
12	Personal Services	16,149	6,357
14	General Fund Total	16,149	6,357

16 **Departmentwide - Inland Fisheries and Wildlife 0600**

18 Initiative: Provides funds for approved range changes of the Game Wardens, Game Warden Specialists, Game Warden Investigators, Game Warden Sergeants, Game Warden Pilots, Game Warden Lieutenants, the Game Warden Pilot Supervisor and the Public Service Manager I, Game Warden Major.

22

24	General Fund	2003-04	2004-05
26	Personal Services	37,063	22,803
28	General Fund Total	37,063	22,803

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

30		2003-04	2004-05
32	GENERAL FUND	1,355,893	619,555
34	FEDERAL EXPENDITURES FUND	60,664	191,596
36	OTHER SPECIAL REVENUE FUNDS	48,106	(107,758)
38	DEPARTMENT TOTAL - ALL FUNDS	1,464,663	703,393

38 **JUDICIAL DEPARTMENT**

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

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

44

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

2	Other Special Revenue Funds Total	0	82,496
4	Courts - Supreme, Superior, District and Administrative 0063		
6	Initiative: Provides funds to continue the limited-period Domestic Violence Specialist position created in Public Law 2003, chapter 20 through June 11, 2005.		
8			
10	Federal Expenditures Fund	2003-04	2004-05
12	Personal Services	9,052	51,030
12	All Other	0	15,000
14	Federal Expenditures Fund Total	9,052	66,030
16	Courts - Supreme, Superior, District and Administrative 0063		
18	Initiative: Provides funds to continue one limited-period Domestic Violence Coordinator position and 2 limited-period Assistant Clerk positions through June 18, 2005.		
20			
22	Federal Expenditures Fund	2003-04	2004-05
24	Personal Services	29,509	166,227
26	Federal Expenditures Fund Total	29,509	166,227
28	Courts - Supreme, Superior, District and Administrative 0063		
30	Initiative: Provides funds to continue one Child Protection Coordinator position through June 18, 2005.		
32			
34	Federal Expenditures Fund	2003-04	2004-05
36	Personal Services	12,611	70,159
38	Federal Expenditures Fund Total	12,611	70,159
40	Courts - Supreme, Superior, District and Administrative 0063		
42	Initiative: Appropriates funds to maintain the operation of the Madawaska courthouse.		
44	General Fund	2003-04	2004-05
46	All Other	0	39,000
48	General Fund Total	0	39,000
50	Fund for a Healthy Maine - Judicial Department 0963		

2	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.		
4			
6			
8			
10	Fund for a Healthy Maine	2003-04	2004-05
12	Personal Services	1,000	0
14	Fund for a Healthy Maine Total	1,000	0
16	JUDICIAL DEPARTMENT		
18	DEPARTMENT TOTALS	2003-04	2004-05
20	GENERAL FUND	0	39,000
22	FEDERAL EXPENDITURES FUND	51,172	302,416
24	OTHER SPECIAL REVENUE FUNDS	0	82,496
26	FUND FOR A HEALTHY MAINE	1,000	0
28	DEPARTMENT TOTAL - ALL FUNDS	52,172	423,912
30	LABOR, DEPARTMENT OF		
32	Rehabilitation Services 0799		
34	Initiative: Transfers funds from the Rehabilitation Services program to the Rehabilitation Services - Home-based Care program, carrying account, to correct Public Law 2001, chapter 559, Part BB.		
36			
38	General Fund	2003-04	2004-05
40	All Other	(3,380,113)	(3,024,595)
42	General Fund Total	(3,380,113)	(3,024,595)
44	Employment Services Activity 0852		
46	Initiative: Eliminates one Employment and Training Program Specialist position and one Career Center Consultant position.		
48			
50	Federal Expenditures Fund	2003-04	2004-05
52	Positions - Legislative Count	(0.000)	(-2.000)
54	Personal Services	0	(130,266)
56	Federal Expenditures Fund Total	0	(130,266)
58	Rehabilitation Services - Home Based Care 0996		

2 Initiative: Transfers funds from the Rehabilitation Services
 4 program to the Rehabilitation Services - Home-based Care program,
 carrying account, to correct Public Law 2001, chapter 559, Part
 BB.

6	General Fund	2003-04	2004-05
	All Other	3,380,113	3,024,595
8			
	General Fund Total	<u>3,380,113</u>	<u>3,024,595</u>

10 **Rehabilitation Services - Home Based Care 0996**

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

18	General Fund	2003-04	2004-05
	All Other	0	(400,000)
20			
	General Fund Total	<u>0</u>	<u>(400,000)</u>

22 **Regulation and Enforcement 0159**

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

32	General Fund	2003-04	2004-05
	Positions - Legislative Count	(-2,000)	(-2,000)
34			
	General Fund Total	<u>0</u>	<u>0</u>

36 **Safety Education and Training Programs 0161**

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

46	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(2,000)	(2,000)
48			
	Other Special Revenue Funds Total	<u>0</u>	<u>0</u>

50 **Rehabilitation Services - Medicaid 0965**

2 Initiative: Appropriates funds to maintain the current level of
 4 services in the Consumer Directed Personal Assistance Services
 Medicaid program.

6	General Fund	2003-04	2004-05
	All Other	0	1,195,376
8			
	General Fund Total	<u>0</u>	<u>1,195,376</u>

10 **LABOR, DEPARTMENT OF**

12 **DEPARTMENT TOTALS** **2003-04** **2004-05**

14	GENERAL FUND	0	795,376
	FEDERAL EXPENDITURES FUND	0	(130,266)
16	OTHER SPECIAL REVENUE FUNDS	0	0

18	DEPARTMENT TOTAL - ALL FUNDS	0	665,110
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20 **MARINE RESOURCES, DEPARTMENT OF**

22 **Bureau of Resource Management 0027**

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

28	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-3,000)
30	Personal Services	0	(237,934)
	All Other	0	(5,950)

34	Other Special Revenue Funds Total	<u>0</u>	<u>(243,884)</u>
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36 **Bureau of Resource Management 0027**

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

44	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(-1,000)
	Personal Services	0	(62,168)
46	All Other	0	(1,555)

48	Other Special Revenue Funds Total	<u>0</u>	<u>(63,723)</u>
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50 **Bureau of Resource Management 0027**

2 Initiative: Provides funding for approved range changes for all
4 Marine Patrol Officers, Marine Patrol Specialists and Marine
Patrol Sergeants.

6	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	3,694	0
8			
10	Other Special Revenue Funds Total	3,694	0

Marine Patrol - Bureau of 0029

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

18	Other Special Revenue Funds	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(1.000)
20	Personal Services	0	62,168
	All Other	0	1,555
22			
24	Other Special Revenue Funds Total	0	63,723

Marine Patrol - Bureau of 0029

26 Initiative: Provides funding for approved range changes for all
28 Marine Patrol Officers, Marine Patrol Specialists and Marine
Patrol Sergeants.

30	General Fund	2003-04	2004-05
32	Personal Services	368,525	170,323
34			
36	General Fund Total	368,525	170,323

36	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	16,763	16,881
38			
40	Federal Expenditures Fund Total	16,763	16,881

42	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	32,773	23,583
44			
46	Other Special Revenue Funds Total	32,773	23,583

Marine Patrol - Bureau of 0029

48 Initiative: Provides for the allocation of funds for one
50 limited-period Clerk III position ending June 18, 2007 to provide
assistance in managing a joint enforcement agreement between the

2 United States Department of Commerce, Office of Law Enforcement
and the Maine Marine Patrol.

4	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	8,952	47,332
6	All Other	268	1,418
8			
10	Federal Expenditures Fund Total	9,220	48,750

Division of Community Resource Development 0043

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

16	Other Special Revenue Funds	2003-04	2004-05
18	Positions - Legislative Count	(0.000)	(3.000)
	Personal Services	0	237,934
20	All Other	0	5,950
22			
24	Other Special Revenue Funds Total	0	243,884

Division of Administrative Services 0258

26 Initiative: Provides for the reorganization of one Supervisor of
28 Licensing position to a Planning and Research Associate I
position and one Clerk Typist III position to a Clerk IV position.

30	General Fund	2003-04	2004-05
	Personal Services	483	1,900
32	All Other	(483)	(1,900)
34			
36	General Fund Total	0	0

36	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	846	3,476
38	All Other	(846)	(3,476)
40			
42	Other Special Revenue Funds Total	0	0

Division of Administrative Services 0258

44 Initiative: Provides for the continuation of one project Marine
46 Resources Coordinator position to August 31, 2004.

48	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	14,806	12,563
50	All Other	370	314

2	Federal Expenditures Fund Total	15,176	12,877
4	Division of Administrative Services 0258		
6	Initiative: Provides for the management-initiated reclassification of the Departmental Information Systems Manager position to a Public Service Manager I position.		
8			
10	General Fund	2003-04	2004-05
	Personal Services	1,409	5,504
	All Other	(1,409)	(5,504)
12	General Fund Total	<u>0</u>	<u>0</u>
14			
16	MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
18	GENERAL FUND	368,525	170,323
	FEDERAL EXPENDITURES FUND	41,159	78,508
20	OTHER SPECIAL REVENUE FUNDS	36,467	23,583
22	DEPARTMENT TOTAL - ALL FUNDS	<u>446,151</u>	<u>272,414</u>
24			
26	PUBLIC SAFETY, DEPARTMENT OF State Police 0291		
28	Initiative: Transfers funds from State Police to State Police - Support to cover state cost allocation program charges that were inadvertently left out of Public Law 2003, chapter 40.		
30			
32	Highway Fund - (Informational)	2003-04	2004-05
	All Other	(6,000)	(6,100)
34	Highway Fund - (Informational) Total	<u>(6,000)</u>	<u>(6,100)</u>
36			
38	State Police 0291		
40	Initiative: Provides funds for the arbitration ruling for the Maine State Trooper reallocation.		
42	General Fund	2003-04	2004-05
	Personal Services	596,234	162,996
44	General Fund Total	<u>596,234</u>	<u>162,996</u>
46			
48	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	1,021,119	277,746
50	All Other	30,000	13,000

2	Highway Fund - (Informational) Total	1,051,119	290,746
4	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	13,392	13,908
	All Other	400	400
8	Other Special Revenue Funds Total	<u>13,792</u>	<u>14,308</u>
10			
12	State Police 0291		
14	Initiative: Provides funds to establish 2 Identification Specialist II positions and 3 Identification Specialist I positions in the Bureau of Identification to process the increasing demands of law-enforcement requested background checks.		
16	General Fund	2003-04	2004-05
	Personal Services	0	86,950
20	General Fund Total	<u>0</u>	<u>86,950</u>
22			
24	Highway Fund - (Informational)	2003-04	2004-05
	Positions - Legislative Count	(0.000)	(5,000)
	Personal Services	0	148,041
	All Other	0	4,500
26	Highway Fund - (Informational) Total	<u>0</u>	<u>152,541</u>
28			
30	State Police 0291		
32	Initiative: Provides for the continuation of Federal Grant projects previously approved by financial order.		
34	Federal Expenditures Fund	2003-04	2004-05
	All Other	0	1,030,000
36	Federal Expenditures Fund Total	<u>0</u>	<u>1,030,000</u>
38			
40	State Police 0291		
42	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.		
44			
46	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	35,244	149,010
	All Other	495	2,085
48	Federal Expenditures Fund Total	<u>35,739</u>	<u>151,095</u>
50			

2 **Motor Vehicle Inspection 0329**

4 Initiative: Provides funds for the arbitration ruling for the
Maine State Trooper reallocation.

6	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	59,927	0
8	All Other	1,800	0
10	Highway Fund - (Informational) Total	61,727	0

12 **Traffic Safety 0546**

14 Initiative: Provides funds for the arbitration ruling for the
Maine State Trooper reallocation.

16	Highway Fund - (Informational)	2003-04	2004-05
18	Personal Services	15,244	6,826
	All Other	450	200
20	Highway Fund - (Informational) Total	15,694	7,026

22 **Turnpike Enforcement 0547**

24 Initiative: Provides funds for the arbitration ruling for the
Maine State Trooper reallocation.

26	Other Special Revenue Funds	2003-04	2004-05
28	Personal Services	347,822	100,092
30	All Other	10,500	3,000
32	Other Special Revenue Funds Total	358,322	103,092

34 **Traffic Safety - Commercial Vehicle
Enforcement 0715**

36 Initiative: Provides funds for the arbitration ruling for the
Maine State Trooper reallocation.

38	Highway Fund - (Informational)	2003-04	2004-05
40	Personal Services	237,103	80,704
42	All Other	7,000	2,400
44	Highway Fund - (Informational) Total	244,103	83,104

46 **Fund for a Healthy Maine - Fire Marshal 0964**

48 Initiative: Provides for the allocation and deallocation of funds
through a transfer from the Fund for a Healthy Maine to cover a
50 Personal Services shortfall.

2	Fund for a Healthy Maine	2003-04	2004-05
	Personal Services	2,600	0
4	All Other	(2,600)	0
6	Fund for a Healthy Maine Total	0	0

8 **State Police - Support 0981**

10 Initiative: Transfers funds from State Police to State Police -
Support to cover state cost allocation program charges that were
12 inadvertently left out of Public Law 2003, chapter 40.

14	Highway Fund - (Informational)	2003-04	2004-05
	All Other	6,000	6,100
16	Highway Fund - (Informational) Total	6,000	6,100

20 **Emergency Services Communication
Bureau 0790**

22 Initiative: Provides funds to correct the allocation for a
reclassification and range change in Public Law 2003, chapter
24 451, Part B.

26	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	0	(9,488)
28	All Other	0	9,488
30	Other Special Revenue Funds Total	0	0

32 **PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS**

34		2003-04	2004-05
	GENERAL FUND	596,234	249,946
36	HIGHWAY FUND - (Informational)	1,372,643	533,417
	FEDERAL EXPENDITURES FUND	35,739	1,181,095
38	OTHER SPECIAL REVENUE FUNDS	372,114	117,400
	FUND FOR A HEALTHY MAINE	0	0
40	DEPARTMENT TOTAL - ALL FUNDS	2,376,730	2,081,858

42 **SECRETARY OF STATE, DEPARTMENT OF**

44 **Administration - Motor Vehicles 0077**

46 Initiative: Allocates funds to continue 13 Clerk Typist II
48 positions and one Motor Vehicle Service Representative position
through December 31, 2004. The positions are currently approved
50 through April 16, 2004 by Financial Orders 000475F4 and 000582F4.

2 The additional fiscal year 2003-04 costs are funded by salary
savings.

4	Highway Fund - (Informational)	2003-04	2004-05
6	Personal Services	0	295,277
8	Highway Fund - (Informational) Total	0	295,277

8 **Administration - Motor Vehicles 0077**

10 Initiative: Allocates funds for contractual services and costs
12 incurred for services provided by the Bureau of Information
Services on the BULL mainframe.

14	Highway Fund - (Informational)	2003-04	2004-05
16	All Other	0	500,000
18	Highway Fund - (Informational) Total	0	500,000

20 **Elections and Commissions 0693**

22 Initiative: Allocates funds to establish one limited-period
24 Deputy Secretary of State position to coordinate the
implementation of the federal Help America Vote Act 2002 through
June 30, 2006.

26	Federal Expenditures Fund	2003-04	2004-05
28	Personal Services	16,036	82,290
30	Federal Expenditures Fund Total	16,036	82,290

32 **SECRETARY OF STATE, DEPARTMENT OF
DEPARTMENT TOTALS**

34	HIGHWAY FUND - (Informational)	2003-04	2004-05
36	FEDERAL EXPENDITURES FUND	0	795,277
38	DEPARTMENT TOTAL - ALL FUNDS	16,036	82,290
40	DEPARTMENT TOTAL - ALL FUNDS	16,036	877,567

40 **TREASURER OF STATE, OFFICE OF**

42 **Administration - Treasury 0022**

44 Initiative: Provides for the transfer of the Cash Management
46 Improvement Act account from the Other Special Revenue Funds
account to the Federal Expenditures Fund.

48	Federal Expenditures Fund	2003-04	2004-05
50	Positions - Legislative Count	(0.000)	(1.000)
	Personal Services	0	49,607

2	All Other	0	11,811
4	Federal Expenditures Fund Total	0	61,418

6	Other Special Revenue Funds	2003-04	2004-05
8	Positions - Legislative Count	(0.000)	(-1.000)
	Personal Services	0	(49,607)
	All Other	0	(11,811)
10	Other Special Revenue Funds Total	0	(61,418)

12 **Administration - Treasury 0022**

14 Initiative: Restores funding in the Personal Services line
16 category to correct a negative allocation as a result of Public
Law 2003, chapter 20.

18	Other Special Revenue Funds	2003-04	2004-05
20	Personal Services	0	2,129
22	Other Special Revenue Funds Total	0	2,129

24 **TREASURER OF STATE, OFFICE OF
DEPARTMENT TOTALS**

26	FEDERAL EXPENDITURES FUND	2003-04	2004-05
28	OTHER SPECIAL REVENUE FUNDS	0	61,418
30	DEPARTMENT TOTAL - ALL FUNDS	0	(59,289)
32	DEPARTMENT TOTAL - ALL FUNDS	0	2,129

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

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

36 Initiative: Allocates funds for the Maine Black Bears Scholarship
Fund.

38	Other Special Revenue Funds	2003-04	2004-05
40	All Other	11,000	12,950
42	Other Special Revenue Funds Total	11,000	12,950

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

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

2	General Fund	2003-04	2004-05
4	All Other	0	2,250,000
6	General Fund Total	0	2,250,000
8	UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS	2003-04	2004-05
10	GENERAL FUND	0	2,250,000
12	OTHER SPECIAL REVENUE FUNDS	11,000	12,950
14	DEPARTMENT TOTAL - ALL FUNDS	\$11,000	\$2,262,950

PART B

20 **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.

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

28 **Central Services - Purchases 0004**

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

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

38 **Division of Quality Assurance and Regulation 0393**

40	General Fund	2003-04	2004-05
42	Personal Services	603	3,817
44	All Other	(603)	(3,817)
46	General Fund Total	0	0

48 **Division of Plant Industry 0831**

50	General Fund	2003-04	2004-05
	Personal Services	401	2,432

2	All Other	(401)	(2,432)
4	General Fund Total	0	0

6 **ARTS COMMISSION, MAINE**

8 **Arts - Sponsored Program 0176**

10	Federal Expenditures Fund	2003-04	2004-05
12	Personal Services	12,615	6,623
14	All Other	(12,615)	(6,623)
	Federal Expenditures Fund Total	0	0

16 **ATLANTIC SALMON COMMISSION**

18 **Atlantic Salmon Commission 0265**

20	General Fund	2003-04	2004-05
22	Personal Services	3,241	486
24	All Other	(3,241)	(486)
	General Fund Total	0	0

26 **Federal Expenditures Fund**

28	Personal Services	14,400	9,894
	Federal Expenditures Fund Total	14,400	9,894

30 **BAXTER STATE PARK AUTHORITY**

32 **Baxter State Park Authority 0253**

34	Other Special Revenue Funds	2003-04	2004-05
36	Personal Services	9,195	10,573
38	Other Special Revenue Funds Total	9,195	10,573

40 **CONSERVATION, DEPARTMENT OF**

42 **Administrative Services - Conservation 0222**

44	General Fund	2003-04	2004-05
46	Personal Services	1,225	1,209
48	All Other	(1,225)	(1,209)
50	General Fund Total	0	0

50 **Division of Forest Protection 0232**

2	General Fund	2003-04	2004-05
	Personal Services	193,917	64,214
4	All Other	(676)	(64,214)
6	General Fund Total	193,241	0
8	CORRECTIONS, DEPARTMENT OF		
10	Administration - Corrections 0141		
	General Fund	2003-04	2004-05
12	Personal Services	0	7,036
14	All Other	0	(7,036)
16	General Fund Total	0	0
18	State Prison 0144		
	General Fund	2003-04	2004-05
20	Personal Services	0	2,376
22	All Other	0	(2,376)
24	General Fund Total	0	0
26	Correctional Center 0162		
	General Fund	2003-04	2004-05
28	Personal Services	6,473	6,801
30	All Other	(6,473)	(6,801)
32	General Fund Total	0	0
34	DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
36	Military Training and Operations 0108		
	General Fund	2003-04	2004-05
38	Personal Services	3,600	5,092
40	All Other	(3,600)	(5,092)
42	General Fund Total	0	0
44	ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
46	Remediation and Waste Management 0247		
	Other Special Revenue Funds	2003-04	2004-05
48	Personal Services	15,727	17,152
50	All Other	310	338

2	Other Special Revenue Funds Total	16,037	17,490
4	Air Quality 0250		
	General Fund	2003-04	2004-05
6	Personal Services	11,229	11,975
8	All Other	(11,229)	(11,975)
10	General Fund Total	0	0
12	Maine Environmental Protection Fund 0421		
	Other Special Revenue Funds	2003-04	2004-05
14	Personal Services	3,428	5,962
16	All Other	68	117
18	Other Special Revenue Funds Total	3,496	6,079
20	HUMAN SERVICES, DEPARTMENT OF		
22	Bureau of Family Independence - Central 0160		
	General Fund	2003-04	2004-05
24	Personal Services	110,162	25,499
26	General Fund Total	110,162	25,499
28	Federal Expenditures Fund		
	Personal Services	2003-04	2004-05
30	Personal Services	495,167	105,010
32	Federal Expenditures Fund Total	495,167	105,010
34	Other Special Revenue Funds		
	Personal Services	2003-04	2004-05
36	Personal Services	211,760	43,866
38	Other Special Revenue Funds Total	211,760	43,866
40	Bureau of Medical Services 0129		
	Federal Expenditures Fund	2003-04	2004-05
42	Personal Services	18,329	17,017
44	All Other	(18,329)	(17,017)
46	Federal Expenditures Fund Total	0	0
48	Foster Care 0137		
	Federal Expenditures Fund	2003-04	2004-05
50	Personal Services	2,283	2,116

2	All Other	(2,283)	(2,116)
4	Federal Expenditures Fund Total	0	0
6	Office of Management And Budget 0142		
8	General Fund	2003-04	2004-05
10	Positions - Legislative Count	(1,000)	(1,000)
12	Personal Services	112,117	107,503
14	All Other	(15,645)	(11,399)
16	General Fund Total	96,472	96,104
18	Federal Expenditures Fund	2003-04	2004-05
20	Positions - Legislative Count	(-1,000)	(-1,000)
22	Federal Expenditures Fund Total	0	0
24	Health - Bureau of 0143		
26	Federal Expenditures Fund	2003-04	2004-05
28	Personal Services	12,042	6,011
30	All Other	(12,042)	(6,011)
32	Federal Expenditures Fund Total	0	0
34	OMB Operations - Regional 0196		
36	Federal Expenditures Fund	2003-04	2004-05
38	Personal Services	5,814	2,917
40	All Other	(5,814)	(2,917)
42	Federal Expenditures Fund Total	0	0
44	Drinking Water Enforcement 0728		
46	Other Special Revenue Funds	2003-04	2004-05
48	Personal Services	17,792	10,378
50	All Other	(17,792)	(10,378)
	Other Special Revenue Funds Total	0	0
	Maine Rx Program 0927		
	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	5,734	3,121
	All Other	(5,734)	(3,121)
	Other Special Revenue Funds Total	0	0

2	LABOR, DEPARTMENT OF		
4	Administration - Labor 0030		
6	Federal Expenditures Fund	2003-04	2004-05
8	Personal Services	20,066	23,412
10	Federal Expenditures Fund Total	20,066	23,412
12	Other Special Revenue Funds	2003-04	2004-05
14	Personal Services	860	936
16	Other Special Revenue Funds Total	860	936
18	Migrant And Immigrant Services 0920		
20	Federal Expenditures Fund	2003-04	2004-05
22	Personal Services	1,704	1,761
24	Federal Expenditures Fund Total	1,704	1,761
26	LIBRARY, MAINE STATE		
28	Maine State Library 0217		
30	General Fund	2003-04	2004-05
32	Personal Services	3,210	3,156
34	All Other	(3,210)	(3,156)
36	General Fund Total	0	0
38	Federal Expenditures Fund	2003-04	2004-05
40	Personal Services	6,749	6,623
42	All Other	(6,749)	(6,623)
44	Federal Expenditures Fund Total	0	0
46	MARINE RESOURCES, DEPARTMENT OF		
48	Bureau of Resource Management 0027		
50	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	8,592	5,266
	All Other	400	322
	Other Special Revenue Funds Total	8,992	5,588
	Division of Administrative Services 0258		
	Federal Expenditures Fund	2003-04	2004-05

2	Personal Services	8,320	10,209
	All Other	207	255
4	Federal Expenditures Fund Total	8,527	10,464
6	PUBLIC SAFETY, DEPARTMENT OF		
8	State Police 0291		
10	General Fund	2003-04	2004-05
	Personal Services	1,998	1,349
12	All Other	(1,998)	(1,349)
14	General Fund Total	0	0
16	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	3,406	2,295
18	All Other	(3,406)	(2,295)
20	Highway Fund - (Informational) Total	0	0
22	Fire Marshal - Office of 0327		
24	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	6,582	6,530
26	All Other	(6,582)	(6,530)
28	Other Special Revenue Funds Total	0	0
30	TRANSPORTATION, DEPARTMENT OF		
32	Highway Maintenance 0330		
34	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	299	358
36	All Other	(299)	(358)
38	Highway Fund - (Informational) Total	0	0
40	Traffic Service 0331		
42	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	75	92
44	All Other	(75)	(92)
46	Highway Fund - (Informational) Total	0	0
48	Bridge Maintenance 0333		
50	Highway Fund - (Informational)	2003-04	2004-05

2	Personal Services	151	179
	All Other	(151)	(179)
4	Highway Fund - (Informational) Total	0	0
6	Administration and Planning 0339		
8	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	66,322	77,127
10	All Other	(66,322)	(77,127)
12	Highway Fund - (Informational) Total	0	0
14	Railroad Assistance Program 0350		
16	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	71	85
18	Federal Expenditures Fund Total	71	85
20	Highway and Bridge Improvement 0406		
22	Highway Fund - (Informational)	2003-04	2004-05
	Personal Services	16,492	19,520
26	All Other	(16,492)	(19,520)
28	Highway Fund - (Informational) Total	0	0
30	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	13,942	16,665
32	Federal Expenditures Fund Total	13,942	16,665
34	Transportation Services 0443		
36	Federal Expenditures Fund	2003-04	2004-05
	Personal Services	2,056	2,383
38	Federal Expenditures Fund Total	2,056	2,383

PART C

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

46 The commissioner may, with the approval of the Governor,
 48 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
 50 ~~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 appoint and employ the bureau chiefs and the assistant to the commissioner to be under his ~~the commissioner's~~ immediate supervision, direction and control, and to serve at his ~~the commissioner's~~ pleasure and perform such duties as he ~~the commissioner~~ may prescribe, except as otherwise provided by law. ~~In addition, the commissioner may appoint an associate commissioner for administrative services who is not subject to the Civil Service Law and who serves at the pleasure of the commissioner.~~

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

I. State Budget Officer; and

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

J. Chief Information Officer; and

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

~~K. Associate Commissioner, Administrative Services.~~

Sec. C-5. PL 2003, c. 20, Pt. B, §1 is amended in that part relating to "Administrative and Financial Services, Department of" in the 3rd part designated "Revenue Services - Bureau of 0002" to read:

Revenue Services - Bureau of 0002

Initiative: Provides for the appropriation of Personal Services and All Other funds to establish one ~~limited-period~~ Tax Section Manager position, one ~~limited-period~~ Tax Enforcement Officer position, one ~~limited-period~~ Senior Tax Examiner position, 2 ~~limited-period~~ Senior Revenue Agent positions, one ~~limited-period~~ Revenue Agent position and 5 ~~limited-period~~ Tax Examiner 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 year 2004-05.~~ The Bureau of Revenue Services must report on the success of the tax amnesty and tax enforcement programs by August 15th of each fiscal year to the joint standing committees of the Legislature having jurisdiction over taxation and appropriation and financial affairs matters.

GENERAL FUND	2003-04	2004-05
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Positions - Legislative Count	(11,000)	(11,000)
Personal Services	765,194	619,583
All Other	1,102,625	65,021
GENERAL FUND TOTAL	1,867,819	684,604

Sec. C-6. PL 2003, c. 20, Pt. D, §23 is amended to read:

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

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

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

Sec. C-9. Payments for merit increases; executive branch, constitutional officers' departments, Department of Audit. In accordance with the provisions of Public Law 2003, chapter 20, Part D, section 22 and Public Law 2003, chapter 451, Part E, section 16 and notwithstanding any

2 other provision of law, payments must be made to those employees
3 of the State who were not authorized to receive merit increases
4 in fiscal year 2003-04 as a result of the provisions of Public
5 Law 2003, chapter 20, Part D, section 22 as provided by agreement
6 between the State and bargaining agents representing state
7 employees. Confidential employees, defined as executive branch
8 employees in positions excluded from bargaining pursuant to the
9 Maine Revised Statutes, Title 26, section 979-A, subsection 6,
10 paragraphs B, C, D, I and J, must receive similar and equitable
11 treatment. The General Fund and Other Special Revenue Funds
12 share of the payments must be made from the General Fund Salary
13 Plan account, and the Highway Fund share of the payments must be
14 made from the Highway Fund Salary Plan account. All other
15 payments must be made from the appropriate account for each
16 affected employee. This sum may not be considered earnable
17 compensation under the Maine State Retirement System.

18 **Sec. C-10. Payment for merit increases; institutional services**
19 **employees.** Notwithstanding Public Law 2003, chapter 20, Part D,
20 section 22, or any other provision of law, those institutional
21 services employees who would have been eligible to receive a step
22 increase from Step 6 to Step 7 during the period July 1, 2003 to
23 June 30, 2004 as a merit increase bargained for as a result of a
24 market pay study must be paid those merit increases if provided
25 for in an agreement between the State and the bargaining agent
26 for the institutional services employees. The General Fund share
27 of the payments must be made from the General Fund Salary Plan
28 account. All other payments must be made from the appropriate
29 account for each affected employee.

30 **Sec. C-11. Calculation and transfer; health insurance cost savings.**
31 Notwithstanding any other provision of law, the State Budget
32 Officer shall calculate the amount of savings in Part A, section
33 1 that applies against each General Fund account for all
34 departments and agencies from savings in the cost of health
35 insurance and shall transfer the amounts by financial order upon
36 the approval of the Governor. These transfers are considered
37 adjustments to appropriations in fiscal year 2004-05. The State
38 Budget Officer shall provide the joint standing committee of the
39 Legislature having jurisdiction over appropriations and financial
40 affairs a report of the transferred amounts no later than January
41 15, 2005.

42 **Sec. C-12. Alcoholic beverages; allotment of funds.**
43 Notwithstanding any other provision of law, the allotment of
44 funds in the Bureau of Alcoholic Beverages and the Alcoholic
45 Beverage Freight accounts in the Department of Administrative and
46 Financial Services may be increased by financial order during
47 fiscal year 2004-05 upon the request of the State Budget Officer
48 and approval of the Governor.

2 **Sec. C-13. Cost-reimbursement funding for Retiree Health Insurance**
3 **Fund.** Notwithstanding any other provision of law, the
4 Department of Administrative and Financial Services shall manage
5 the Retiree Health Insurance Fund on a cost-reimbursement basis
6 of funding and accounting beginning June 30, 2005.

7 **Sec. C-14. Distribution of excess equity.** Notwithstanding any
8 other provision of law, the Department of Administrative and
9 Financial Services shall calculate the amount of the excess
10 equity to be returned to each participating fund and ancillary
11 group contributing to the Retiree Health Insurance Fund after
12 retaining a reasonable amount of working capital. The excess
13 must be returned to the fund of origin by June 30, 2005.

14 **Sec. C-15. State cost allocation program; recovery; Retirement**
15 **Allowance Fund.** Notwithstanding any other provision of law, the
16 State Controller shall recover, through the state cost allocation
17 program, \$915,640 associated with prior years' payments by the
18 General Fund to the Retirement Allowance Fund under the Maine
19 Revised Statutes, Title 5, section 1517 by June 30, 2005.

20 **Sec. C-16. State cost allocation program; recovery; homeland**
21 **security grant programs.** Notwithstanding any other provision of
22 law, the State Controller shall recover, through the state cost
23 allocation program, \$28,000 in fiscal year 2003-04 and \$142,000
24 in fiscal year 2004-05 associated with homeland security grant
25 programs awarded to the Department of Defense, Veterans and
26 Emergency Management.

27 **Sec. C-17. Capital Construction, repairs, improvements -**
28 **administrative; use of funds.** Notwithstanding any other provision of
29 law, the Department of Administrative and Financial Services,
30 Bureau of General Services is authorized to use \$111,856 of funds
31 no longer required for the Thomaston State Prison demolition
32 project for hazardous material abatement and removal and the
33 demolition of the Caribou Armory.

40 PART D

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

43 A. For the estates of decedents dying after December 31,
44 2002 and ~~before January 1, 2005~~, "federal credit" means the
45 maximum credit for state death taxes determined under the
46 Code, Section 2011 as of December 31, 2002 exclusive of the
47 reduction of the maximum credit contained in the Code,

Section 2011(b)(2); the period of limitations under the Code, Section 2011(c); and the termination provision contained in the Code, Section 2011(f). The adjusted taxable estate is to be determined using the applicable Code as of the date of the decedent's death, except that the state death tax deduction contained in the Code, Section 2058 is to be disregarded. The unified credit is to be determined under the Code, Section 2010 as of December 31, 2000; and

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

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

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

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

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

§4064. Tax on estate of nonresident

A tax is imposed upon the transfer of real property and tangible personal property situated in this State and held by an individual who dies prior to January 1, 2002 or after December 31, 2002 and who at the time of death was not a resident of this State. When real or tangible personal property has been transferred into a trust, the tax imposed by this section applies as if the trust did not exist and the property was personally owned by the decedent. Maine property is subject to the tax imposed by this section to the extent that such property is included in the decedent's ~~federal gross estate as finally determined for federal estate tax purposes~~. The amount of this tax is a sum equal to that proportion of the federal credit that the value of Maine real and tangible personal property taxed in this State that qualifies for the credit bears to the value of the decedent's ~~total~~ federal gross estate. All property values under this section are as finally determined for federal estate

tax purposes, except that for estates of decedents dying after December 31, 2002 ~~and before January 1, 2005~~ that do not incur a federal estate tax, all property values are as finally determined by the assessor in accordance with the Code as if the estate had incurred a federal estate tax. The share of the federal credit used to determine the amount of a nonresident individual's estate tax under this section is computed without regard to whether the specific real or tangible personal property located in the State is marital deduction property.

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

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

§4066. Discharge of personal representative's personal liability

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

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

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

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

10 **Sec. D-7. 36 MRSA §4069-A, sub-§§1 and 2**, as enacted by PL
12 1999, c. 414, §36, are amended to read:

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

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

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

44 E. The For estates of decedents dying before January 1,
46 2003, the amount of the federal credit.

48 **Sec. D-9. Application.** Those sections of this Part that amend
50 the Maine Revised Statutes, Title 36, section 4068, subsections 2
and

3; section 4069-A, subsections 1 and 2; and section 4071,
subsection 1, paragraph E apply retroactively to January 1, 2003.

PART E

4 **Sec. E-1. 36 MRSA §5142, sub-§8**, as enacted by PL 1999, c.
521, Pt. B, §2 and affected by §11, is repealed.

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

8 2. **Nonresident individuals.** Every nonresident individual
14 who, pursuant to this Part, has a Maine individual income tax
liability for the taxable year, ~~except that an individual who~~
16 ~~does not exceed the threshold contained in section 5142,~~
18 ~~subsection 8 is not subject to taxation under this Part and need~~
~~not file a return.~~

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

PART F

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

§5219-H. Application of credits against taxes

30 1. **Meaning of tax.** Whenever a credit provision in chapter
32 822 allows for a credit "against the tax otherwise due under this
34 Part," "against the tax imposed by this Part" or similar
36 language, "tax" means all taxes under this Part, except the
38 minimum tax imposed by section 5203-A and the taxes imposed by
chapter 827.

40 2. **Meaning of tax liability.** Whenever a credit provided for
42 in chapter 822 is limited by reference to tax liability, "tax
44 liability" means the tax liability for all taxes under this Part,
except the minimum tax imposed by section 5203-A and the taxes
imposed by chapter 827.

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

2 PART G

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

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

10 (1) The eligible equipment is used primarily in the
12 high technology activity engaged in by the lessee or
sublessee;

14 (2) The lessor derived aggregate total lease payments
16 from personal property of at least 3 times the total
18 payments received from eligible equipment during the
taxable year; and

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

26 Sec. G-2. 36 MRSA §5219-M, sub-§1-A, ¶B, as amended by PL
28 2001, c. 358, Pt. M, §3 and affected by §6, is further amended to
read:

30 B. When a qualified lessor or--sublessee provides the
32 assessor with satisfactory evidence that the lessee or
34 sublessee, ~~respectively~~, of eligible equipment has waived
its right to claim a credit under this section that the
lessee ~~or sublessee~~ it is otherwise entitled to claim with
respect to that equipment:

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

46 (2) A person qualified lessor that leases--and
48 subleases eligible equipment to--another--person--engaged
50 primarily--in--high--technology--activity--for--use--by--that
person--in--that--activity may claim a credit in the
amount of the lease payments made on the eligible

2 equipment in each tax year, net of sublease payments
3 received in the taxable year, except that if the
4 eligible equipment is depreciable by ~~that person~~ the
5 sublessee for federal income tax purposes, the credit
6 is based on ~~that person's~~ the sublessee's investment
7 credit base to the extent of the credits waived by the
8 sublessee subject to the limitations provided by
subsection 4.

10 Sec. G-3. Application. Those sections of this Part that enact
12 the Maine Revised Statutes, Title 36, section 5219-M, subsection
14 1, paragraph E and amend Title 36, section 5219-M, subsection
16 1-A, paragraph B apply to tax years beginning on or after January
18 1, 2004.

18 PART H

20 Sec. H-1. Pollution Control Structures General Fund account; lapsed
22 balances. Notwithstanding any other provision of law, \$36,000 of
24 All Other in fiscal year 2003-04 in the Pollution Control
Structures General Fund account in the Department of Agriculture,
Food and Rural Resources lapses to the General Fund in fiscal
year 2003-04.

26 PART I

28 Sec. I-1. 22 MRSA §3174-W, as reallocated by RR 1999, c. 1,
30 §28 and amended by PL 2001, c. 354, §3, is further amended to
32 read:

34 §3174-W. Procedure for home health care changes

36 Rules adopted by the department or the Department of
38 Behavioral and Developmental Services regarding access to home
40 health care under the Medicaid MaineCare program are major
42 substantive rules as defined in Title 5, chapter 375, subchapter
44 II 2-A, except for changes related to covered services or
reimbursement, which are routine technical rules as defined in
Title 5, chapter 375, subchapter 2-A.

46 Sec. I-2. 22 MRSA §3187, 2nd ¶, as enacted by PL 1987, c. 402,
48 Pt. A, §141, is amended to read:

50 Principles of reimbursement established for intermediate
care facilities for the mentally retarded shall ~~assure maximum~~
flexibility--enabling must enable facilities to shift variable
cost funds within accounts established pursuant to the
principles. ~~These principles shall not set any artificial limits~~

2 on-specific-variable-cost-accounts-as-long-as-facility-totals-are
3 met.

4 **Sec. I-3. 34-B MRSA §1409, sub-§§16 and 17** are enacted to read:

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

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

18 PART J

20 **Sec. J-1. 12 MRSA §1863, sub-§2**, as amended by PL 2003, c.
22 254, §3, is further amended to read:

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

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

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

42 **Sec. J-4. Transfer of funds from Shore and Harbor Management**
43 **Fund.** Notwithstanding any other provision of law, the State
44 Controller shall transfer \$1,000,000 from the Shore and Harbor
45 Management Fund, Other Special Revenue Funds account to the
46 Boating Facilities Fund, Other Special Revenue Funds account in
47 the Department of Conservation by June 30, 2004. The
48 Legislature, acting in its capacity as trustee of the State's
submerged lands,

2 which are imbued with a public trust, finds that this public
3 trust money is most appropriately expended for purposes of
4 supporting public access to inland and coastal submerged lands.

6 **Sec. J-5. Division of Forest Fire Control; lapsed balances.**
7 Notwithstanding any other provision of law, \$193,241 of the
8 unencumbered balance forward in fiscal year 2003-04 in the
9 Division of Forest Fire Control, General Fund - carrying account
10 in the Department of Conservation lapses to the General Fund in
11 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.

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

2 **Sec. D-21. Calculation and transfer.** Notwithstanding any other
3 provision of law, the State Budget Officer shall calculate the
4 amount of savings in Part B, section 1 ~~for fiscal year 2003-04~~
5 that applies against each Highway Fund account for all
6 departments and agencies from savings in the cost of health
7 insurance from hospital rate adjustments and shall transfer the
8 calculated amounts by financial order upon the approval of the
9 Governor. These transfers are considered adjustments to
10 allocations in fiscal years ~~year 2003-04 and 2004-05~~. The State
11 Budget Officer shall provide the joint standing committee of the
12 Legislature having jurisdiction over appropriations and financial
13 affairs a report of the transferred amounts no later than January
14 15, 2005.

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

16 1. The Commissioner of Administrative and Financial
17 Services, referred to in this section as "the commissioner," and
18 any insurance company or 3rd-party administrator, referred to in
19 this section as "the carrier," insuring or administering the
20 state employee health plan, referred to in this section as "the
21 plan," shall jointly negotiate agreements with hospitals
22 participating in the carrier's provider network to reduce the
23 expense incurred by the plan in state fiscal year 2003-04 by the
24 amount of \$18,020,851 ~~and in state fiscal year 2004-05 by the~~
25 ~~amount of \$19,728,298~~. In undertaking such negotiations the
26 carrier must be deemed at all times to be the agent of the
27 State. The commissioner and the carrier acting at the direction
28 of the commissioner may offer or demand such terms and conditions
29 as the commissioner considers to be in the best interest of the
30 State to reduce the expense of the state employee health plan,
31 including, but not limited to, offering or demanding reductions
32 in standard hospital reimbursement rates, rebates and refunds and
33 uniform terms relating to such reductions, rebates or refunds.
34 The commissioner may not affect or seek to affect amounts paid to
35 hospitals relating to any other customer of the carrier.

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

37 1. The Chancellor of the University of Maine System,
38 referred to in this section as "the chancellor," and any
39 insurance company or 3rd-party administrator acting at the
40 direction of the State, referred to in this section as "the
41 carrier," insuring or administering the University of Maine
42 System health plan for employees and retirees, referred to in
43 this section as "the plan," shall negotiate agreements with
44 hospitals participating in the carrier's provider network to
45 reduce the expense incurred by the plan in state fiscal year
46 2003-04 by the amount of \$2,250,000 ~~and in state fiscal year~~
47 ~~2004-05 by the amount of \$2,250,000~~. It is not the intent of the
48
49
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2 Legislature to require negotiations to reduce such expenses
3 beyond state fiscal year 2005 2004. In undertaking such
4 negotiations, the carrier is deemed at all times to be the agent
5 of the State of Maine and the University of Maine System. The
6 chancellor and the carrier, acting at the direction of the State,
7 may offer or demand such terms and conditions as the chancellor
8 considers to be in the best interest of the university to reduce
9 the expense of the plan, including, but not limited to, offering
10 or demanding reductions in standard hospital reimbursement rates,
11 rebates and refunds and uniform terms relating to such
12 reductions, rebates or refunds. The chancellor may not affect or
13 seek to affect amounts paid to hospitals relating to any other
14 customer of the carrier. The hospital discount rate resulting
15 from this specific arrangement is not intended to affect the
16 underlying premium rates for any purpose. This pooling of funds
17 by the State is not intended to affect plan cost recoveries, plan
18 cost structures or the university's ability to negotiate with
19 carriers regarding the plan.

20 PART L

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

22 Pursuant to the Maine Revised Statutes, Title 5, section 1587,
23 the Department of Corrections in cooperation with the Treasurer
24 of State may enter into financing arrangements related to fiscal
25 years 2003-04 and 2004-05 for the acquisition of energy-savings
26 equipment and installation such as variable-speed drives for the
27 Department of Corrections facilities. The financing agreements
28 may not exceed 5 years in duration and \$1,200,000 in principal
29 costs. The interest rate may not exceed 6% and total interest
30 costs may not exceed \$360,000. The annual principal and interest
31 costs must be paid from the appropriate All Other line categories
32 appropriations in the affected Department of Corrections accounts.
33
34

35 PART M

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

38 **§934-A. Department of Economic and Community Development**

39 1. **Major policy-influencing positions.** The following
40 positions are major policy-influencing positions with the
41 Department of Economic and Community Development. These
42 positions shall be are appointed by the Commissioner of Economic
43 and Community Development and shall serve at his the
44 commissioner's pleasure. Notwithstanding any other provision of

law, these positions and their successor positions shall ~~be~~ are subject to this chapter:

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

G. Director, ~~Administration~~ Innovation;

H. Director, Community Development; and

I. Director, ~~Tourism~~; and

J. Director, Business Development.

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

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

A. The Office of Business Development;

B. The Office of Tourism; and

F. The Office of Community Development; and

G. The Office of Innovation.

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, §34, is repealed.

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

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

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

The ~~Deputy Commissioner for Business Development~~ shall be the Director of the Office of Business Development and shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter, emphasizing a program of targeted business development designed to attract particular types of businesses which ~~that~~ have potential for 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.

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

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

SUBCHAPTER 5-B

OFFICE OF INNOVATION

Article 1

OFFICE OF INNOVATION

§13105. Office of Innovation

1. Office established. The commissioner shall establish the Office of Innovation, referred to in this subchapter as "the 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.

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

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

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

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

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

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

§13106. Science and technology plan

2 The office shall develop and submit the following to the
3 Governor and the Legislature by the first day of the first
4 legislative session of each biennium.

6 1. Action plan. An action plan for the application of
7 science and technology to improve the State's position in the
8 global economy. The action plan must be based on the State's
9 overall economic development strategy as determined by the
10 commissioner. The action plan must identify specific steps that
11 public and private institutions must implement to improve the
12 State's science and technology infrastructure. The action plan
13 must also identify action steps that could be implemented
14 immediately without new state appropriations and resources and
15 action steps that will require new state appropriations or major
16 reallocation of state appropriations and resources.

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

25 2. Report card. A report card that:

26 A. Compares the State's science and technology
27 infrastructure standing to that of other states, based on
28 the results of all independent organizations or reports that
29 make such comparisons and on any other appropriate
30 comparisons as determined by the office and those agencies
31 with which the office is directed by this section to consult;

32 B. Assesses the performance of the State and those who
33 receive state funds in meeting the goals and objectives and
34 taking the action steps outlined in the action plan; and

35 C. Makes recommendations for improving the results shown on
36 the report card.

37 **§13107. Comprehensive research and development evaluation**

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

42 1. Outcome measures. Establish outcome measures considered
43 appropriate by public and private practitioners inside and
44 outside of the State in the fields of research and development
45 and economic development. Practitioners in this State must
46 include, but are not limited to, a representative from the
47 University of Maine System, a representative of the targeted
48 technology sectors, a representative of the Executive Department,
49 State Planning Office and representatives of other state agencies
50 having economic development responsibility;

2 and economic development. Practitioners in this State must
3 include, but are not limited to, a representative from the
4 University of Maine System, a representative of the targeted
5 technology sectors, a representative of the Executive Department,
6 State Planning Office and representatives of other state agencies
7 having economic development responsibility;

8 2. Independent reviewers. Utilize independent reviewers to
9 assess the competitiveness of technology sectors in this State
10 and the impact of research and development activities in this
11 State on economic development in this State; and

12 3. Recommendations. Include recommendations to the
13 Legislature on existing and proposed state-supported research and
14 development programs and activities to affect technology-based
15 economic development in this State.

16 **§13108. Reporting requirements of recipients of research and**
17 **development funding**

18 To assist the office in preparing a comprehensive research
19 and development evaluation, a recipient of state funding
20 including general obligation bond proceeds for research and
21 development shall, in addition to any other reporting
22 requirements required by law;

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

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

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

32 **Article 2**

33 **SCIENCE AND TECHNOLOGY PROGRAMS**

34 **§13109. Maine Research and Development Evaluation Fund**

35 1. Fund established. The Maine Research and Development
36 Evaluation Fund, referred to in this section as "the fund," is
37 established as a nonlapsing Other Special Revenue Funds account
38 administered by the office for the purposes of funding the

comprehensive research and development evaluation required pursuant to section 13108.

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

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

4. **Transfers to fund.** Notwithstanding section 1585 or any other provision of law, the State Budget Officer may transfer to the fund an amount not to exceed 0.8% of General Fund appropriations received by and general obligation bonds issued to an agency or entity for research and development efforts. Private entities that receive funds from general obligation bonds for research and development efforts shall pay to the Treasurer of State in the fiscal year in which the general obligation bond 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 assessed upon concurrence of the affected agencies, institutions and departments. The transfer must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and upon review by the joint 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.

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

§13110. Maine Experimental Program to Stimulate Competitive Research established

The office, the University of Maine System and the EPSCoR steering committee are jointly responsible for the administration

of the Maine Experimental Program to Stimulate Competitive 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.

1. **Linkage with state policies.** The policies, programs and activities of the Maine EPSCoR Program must consider the State's economic, education and science and technology strategies and policies.

2. **Policy recommendation.** Through the office, the University of Maine System and the EPSCoR steering committee, the 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.

§13110-A. Maine EPSCoR Capacity Fund

The Maine EPSCoR Capacity Fund is established within the office to provide the matching funds that are required by several federal agencies in their EPSCoR activities. The fund must be used to match EPSCoR awards, and is a nonlapsing Other Special Revenue Funds account.

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

A. "Fund" means the Maine EPSCoR Capacity Fund account within the Other Special Revenue Funds account.

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

C. "Research capacity committee" means the EPSCoR steering committee referred to in section 13110.

2. **Organization.** The commissioner, at the commissioner's discretion, may delegate the administration of the fund to the director of the office. The research capacity committee shall advise the commissioner or the director of the office on the use of the funds.

3. **Guidelines.** The commissioner or the director of the office, with the advice of the research capacity committee, shall establish guidelines for cash and in-kind match requirements based on the activities to be supported with the fund. Match

levels must reflect the requirements identified by federal funding agencies.

PART N

Sec. N-1. 20-A MRSA §15653, sub-§4, as amended by PL 2003, c. 20, Pt. C, §3, is further amended to read:

4. Statewide local share. For fiscal year 2003-04 2004-05, 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 6.31 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

2008 \$100,000,000
2009 \$104,000,000

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 the unit's program cost has exceeded the circuit breaker for that unit's program cost. Thus, the state share of the purchase is 100% of the Department of Education-approved purchase price minus the reduction percentage for the year that the subsidy is due. Boothbay-Boothbay Harbor, Baileyville and Hancock are, as are all other schools, responsible for any cost of the purchase that exceeds the Department of Education-approved purchase price. This includes, but is not limited to, the cost of optional 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.

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 buses identified under the Carpenter bus special replacement program. This exception does not apply to any school bus approved for purchase under the normal provisions for new bus purchases as provided in the Maine Revised Statutes, Title 20-A, section 5401, subsection 15.

Sec. N-4. Basic elementary and secondary per pupil operating rates. The basic elementary per pupil operating rate for fiscal year 2004-05 is \$5,464, and the basic secondary per pupil operating rate for fiscal year 2004-05 is \$6,069. The foundation per pupil operating rate for fiscal year 2004-05 is \$5,662.

Sec. N-5. Per pupil guarantee and statewide factor. The per pupil guarantee for fiscal year 2004-05 is \$4,816. The statewide factor for fiscal year 2004-05 is 0.63100.

Sec. N-6. Foundation allocation. The foundation allocation of state and local funds for fiscal year 2004-05 for the purposes listed in this section is as follows:

2004-05
TOTAL

2	Operating		
4	Per pupil guarantee pursuant to the Maine Revised Statutes, Title 20-A, section 15653, subsection 1	\$1,013,778,571	
6	Program Costs		
8	Early Childhood	1,219,508	
10	Special Education (Local)	195,316,760	
12	Special Education (Tuition and Board)	19,452,379	
14	Vocational Education	34,361,170	
16	Transportation Operating	76,308,982	
18	Bus Purchases (including lease-purchases)	10,000,000	
20	Program Cost Total	336,658,799	
22	Less percentage reduction pursuant to the Maine Revised Statutes, Title 20-A, section 15603, subsection 26-A, paragraph F	(10,066,098)	
24	Adjusted Program Cost Total	326,592,701	
26			
28	Foundation Total - Combined Adjusted Operating and Program Cost	\$1,340,371,272	
30			
32	Sec. N-7. Foundation subsidy indexes. This section establishes mill rates pursuant to the Maine Revised Statutes, Title 20-A, chapter 606 as follows: operating cost millage, 9.11 mills; program millage limit, 1.35 mills.		
34			
36	Sec. N-8. Foundation reduction percentages. This section establishes reduction percentages as follows: program cost reduction percentage, 2.99%; transportation operating reduction percentage, 2.99%.		
38			
40	Sec. N-9. Foundation appropriation. The foundation 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:		
42			
44			
46			
48		2004-05 TOTAL	2004-05 STATE
50			

2	Foundation Total - Combined Adjusted Operating and Program Cost	\$1,340,371,272	\$626,179,994
4	Minimum State Subsidy	2,259,458	2,259,458
6	ADJUSTED FOUNDATION ALLOCATION TOTAL	\$1,342,630,730	\$628,439,452
8			
10	Sec. N-10. Debt service allocation. The debt service allocation of state and local funds for fiscal year 2004-05 for the purposes listed in this section is as follows:		
12			
14			2004-05 TOTAL
16	Debt Service Costs		
18	Principal and Interest		\$76,128,386
20	Approved Leases & Lease-purchases of Space		6,105,576
22	Insured Value Factor		3,055,623
24	Debt Service Cost Total		85,289,585
26	Less percentage reduction of insured value factor pursuant to the Maine Revised Statutes, Title 20-A, section 15603, subsection 26-A, paragraph F		(91,363)
28			
30	Adjusted Debt Service Cost Total		\$85,198,222
32			
34	Sec. N-11. Debt service subsidy indexes. This section establishes mill rates pursuant to the Maine Revised Statutes, Title 20-A, chapter 606 as follows: operating cost millage, 9.11 mills; debt service millage limit, 0.39 mills.		
36			
38	Sec. N-12. Debt service reduction percentages. This section establishes reduction percentages as follows: insured value factor reduction percentage, 2.99%.		
40			
42	Sec. N-13. Debt service appropriation. The debt service 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:		
44			
46			
48		2004-05 TOTAL	2004-05 STATE
50	ADJUSTED DEBT SERVICE ALLOCATION TOTAL	\$85,198,222	\$60,796,803

2	COMBINED ADJUSTED FOUNDATION AND	2004-05	2004-05
	ADJUSTED DEBT SERVICE ALLOCATIONS	TOTAL	STATE
4	TOTAL	\$1,427,828,952	\$689,236,255

6 **Sec. N-14. Adjustments and miscellaneous costs allocation.** The
 8 adjustments and miscellaneous costs allocation of state funds for
 10 fiscal year 2004-05 for the purposes listed in this section is as
 12 follows:

	2004-05
	TOTAL
12 Adjustments and Miscellaneous Costs	
14 Cost of Geographic Isolation Adjustments	\$489,904
16 Cost of Quality Incentive Adjustments	0
18 Audit Adjustments	0
20 Cost of Reimbursement for Private School	
22 Services	203,031
24 Special Education Tuition and Board for	
26 State Wards and Other Pupils Placed	
	Directly by the State
	11,231,613
28 State Agency Clients	25,871,830
30 English as a 2nd Language	2,129,818
32 Out-of-district Placements	2,981,064
34 Long-term Drug Treatment Centers	166,392
36 Maine Education Policy Research Institute	150,000
38 Essential Programs & Services Contract	75,000
40 Carpenter Bus Loan	550,000
42 Regionalization/Consolidation/ 44 Efficiency Assistance	125,000
46 Learning Results Accountability	250,000
48 Learning Results Implementation and 50 Assessment	1,000,000
	<u>\$45,223,652</u>

2 **Sec. N-15. Adjustments and miscellaneous costs appropriation.** The
 4 adjustments and miscellaneous costs appropriation provided for
 6 general purpose aid for local schools for the fiscal year
 8 beginning July 1, 2003 and ending June 30, 2004 is calculated as
 10 follows:

	2004-05	2004-05
	TOTAL	STATE
10 ADJUSTMENTS AND MISCELLANEOUS COSTS		
12 TOTAL	\$45,223,652	\$45,223,652
14 FOUNDATION, DEBT SERVICE AND		
16 ADJUSTMENTS AND MISCELLANEOUS		
18 COSTS TOTAL	\$1,473,052,604	\$734,459,907

18 **Sec. N-16. Limit of State's obligation.** If the State's continued
 20 obligation for any individual program contained in sections 6, 9,
 22 10, 13, 14 and 15 of this Part exceeds the level of funding
 24 provided for that program, any unexpended balances occurring in
 other programs may be applied to avoid proration of payments for
 any individual program. Any unexpended balances from sections 6,
 9, 10, 13, 14 and 15 of this Part may not lapse but must be
 carried forward for the same purpose.

26 **Sec. N-17. Appropriations.** Section 1 and sections 3 to 16 of
 28 this Part may not be construed to require the State to provide
 30 payments that exceed the appropriation of funds for general
 purpose aid for local schools for the fiscal year beginning July
 1, 2004 and ending June 30, 2005.

32 **Sec. N-18. Component funding.** In accordance with the Maine
 34 Revised Statutes, Title 20-A, section 15607, subsection 3,
 component funding within general purpose aid for local schools
 for the fiscal year 2004-05 is as follows:

	2004-05
36	
38	
40	
42	
44	
46	
48	
50	
	Foundation (including Minimum State Subsidy)
	\$628,439,452
	Debt Service
	60,796,803
	Adjustments
	45,223,652
	<u>TOTAL</u>
	\$734,459,907

PART O

2 **Sec. O-1. Department of Inland Fisheries and Wildlife; licensing,**
 4 **registration and permitting automation contract.** Notwithstanding the
 6 Maine Revised

2 Statutes, Title 5, section 1589 or any other provision of law,
3 the remaining encumbrance in the contract between the Department
4 of Inland Fisheries and Wildlife and MCI for automating the
5 department's licensing, registration and permitting processes
6 does not lapse on June 30, 2004 but carries forward until June
7 30, 2005 to be used for the same purposes.

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
14 Judicial Court is authorized to use General Fund appropriations
16 to cover miscellaneous costs associated with the operation of the
17 account of deposited cash bail.

18 **Sec. P-2. Use of funds.** Notwithstanding any provision of law,
19 the Chief Justice of the Supreme Judicial Court is authorized to
20 use \$23,000 of General Fund appropriations in fiscal year 2003-04
21 to cover a shortage in the Judicial Department bail account.

24 PART Q

26 **Sec. Q-1. 26 MRSA §51, sub-§2,** as amended by PL 1991, c. 93,
27 §2, is further amended to read:

28 **2. Duties.** The commission shall conduct studies and hold
30 public meetings as necessary to develop findings and
31 recommendations respecting each of the following issues:

32 A. Evaluation of the effectiveness of current worker safety
34 efforts, practices and programs in the State and the
35 attitudes of employers and workers toward safety;

36 B. Identification of the best-practice safety programs in
38 the State and elsewhere, whose widespread adoption would
39 reduce the incidence, severity and cost of workplace
40 accidents and illnesses;

42 C. Identification of emerging occupational safety and
43 health issues that will be of importance in the future and
44 assessment of their policy implications; and

45 D. Determination of existing statistical information on
46 accidents and illnesses and reliability and adequacy to
47 monitor trends and to support effective safety
48 rehabilitation and compensation programs.

2 ~~The commission shall also review occupational safety loan
3 requests as provided for in section 63.~~

4 **Sec. Q-2. 26 MRSA §62,** as amended by PL 2003, c. 451, Pt. O,
5 §1, is repealed.

6 **Sec. Q-3. 26 MRSA §63,** as amended by PL 2003, c. 451, Pt. O,
7 §§2 and 3, is repealed.

8 **Sec. Q-4. 39-A MRSA §401, sub-§5, ¶D,** as enacted by PL 1991,
9 c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

10 D. The Department of Labor shall notify the Superintendent
11 of Insurance of any employer that fails to complete the
12 workplace health and safety program as required by this
13 section and the rules adopted pursuant to paragraph A. The
14 Superintendent of Insurance shall assess a surcharge of 10%
15 on that employer's workers' compensation insurance premium
16 or the imputed premium for self-insurers, which must be paid
17 to the Treasurer of State, who shall credit ~~1/2 of~~ that
18 amount to the Safety Education and Training Fund, as
19 established by Title 26, section 61, ~~and 1/2 to the~~
20 ~~Occupational Safety Loan Fund, as established by Title 26,~~
21 ~~section 62.~~ Employers who fail to complete a required
22 workplace health and safety program and who are assessed a
23 surcharge prior to January 1, 1994, must be assessed a
24 surcharge of 5%. Employers who fail to complete a required
25 workplace health and safety program and who are assessed a
26 surcharge after January 1, 1994, must be assessed a
27 surcharge of 10%.

28 **Sec. Q-5. Transfer of funds.** Any funds received as repayment
29 of the principal and interest on outstanding loans from the
30 previously authorized Occupational Safety Loan Fund in the Maine
31 Revised Statutes, Title 26, former section 62 must be transferred
32 from the Finance Authority of Maine to the Department of Labor to
33 be deposited in the Safety Education and Training Fund under
34 Title 26, section 61 and must be used to reduce the annual
35 assessment on workers' compensation insurers and self-insurers.

36 Any administrative funds set aside by the Finance Authority
37 of Maine for the administration of the loan program that remain
38 upon the closing of the last outstanding loan must be transferred
39 to the Department of Labor to be deposited in the Safety
40 Education and Training Fund and must be used to reduce the annual
41 assessment on workers' compensation insurers and self-insurers.
42 If the administrative funds so set aside do not cover the costs

2 of closing out the loan program, the department shall reimburse
3 the authority from the Safety Education and Training Fund.

4 **PART R**

6 **Sec. R-1. P&SL 1941, c. 37, §2, 2nd ¶**, as amended by P&SL 1969,
8 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
14 at any one time outstanding, make and issue negotiable notes,
16 bonds and other evidences of indebtedness or obligations of the
18 academy for the construction of dormitories, dining facilities,
20 student union, and any other buildings and improvements,
22 including land acquisition in connection therewith, and equipment
24 and furnishings therefor, or in anticipation of appropriated
26 state or federal funds, and secure the payment of such
obligations or any part thereof by mortgaging its properties or
pledging any part of its revenues, and do all other lawful things
necessary and incidental to the foregoing powers. Maine Maritime
Academy may borrow money or accept grants from federal and state
governments and agencies thereof and from any other sources, or
both. Such construction shall be under the supervision of the
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.**
38 There is established within the ~~State-Planning~~ Office of the
40 Public Advocate a State Nuclear Safety Advisor position, ~~which~~
42 ~~shall be that is~~ an unclassified, confidential position. The
State Nuclear Safety Advisor serves at the pleasure of the
Governor. The State Nuclear Safety Advisor shall must be an
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
and the safe transportation and storage of nuclear waste; and

10 D. To prepare a report of his the State Nuclear Safety
12 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
fund established in Title 22, section 680; subsection 7. The
24 amount of the fee for each licensee shall must be calculated by
multiplying the total allocation to the ~~State-Planning-Office~~
26 Public Advocate for the fiscal year from the fund established in
Title 22, section 680, subsection 7, for the full cost of the
28 State Nuclear Safety Advisor, including the cost to the State for
personnel and fringe benefits, by the licensee's proportion of
30 the ~~total-electric-generating-capacity-of~~ amount of nuclear waste
stored or generated by all licensees subject to this chapter.
32 The cost must include an annual amount not to exceed \$10,000 for
support functions associated with this position.

34 **PART T**

36 **Sec. T-1. 25 MRSA c.192-A** is enacted to read:

38 **CHAPTER 192-A**

40 **MAINE COMPUTER CRIMES TASK FORCE**

42 **§1521-A. Maine Computer Crimes Task Force**

44 **1. Maine Computer Crimes Task Force.** The Maine Computer
46 Crimes Task Force, referred to in this chapter as "the task
48 force," is established under the auspices of the Department of
Public Safety as a collaborative partnership among the
50 department, the Bureau of State Police within the department, the

2 Department of the Attorney General and local law enforcement
3 agencies. The purpose of the task force is to investigate and
4 assist those law enforcement agencies in the State that
5 investigate crimes involving computers.

6 2. Report. Beginning July 1, 2004, the task force shall
7 make an annual report regarding development, implementation and
8 effectiveness of programs and initiatives to the joint standing
9 committee of the Legislature having jurisdiction over criminal
10 justice matters.

11 **Sec. T-2. Retroactivity.** That section of this Part that enacts
12 the Maine Revised Statutes, Title 25, chapter 192-A applies
13 retroactively to January 1, 2004.

14 PART U

15 **Sec. U-1. 33 MRSA §1952, sub-§15-A** is enacted to read:

16 15-A. Stored-value card. "Stored-value card" means a
17 record evidencing a promise, made for consideration, by the
18 seller or issuer of the record that goods or services will be
19 provided to the owner of the record to the value shown in the
20 record and includes, but is not limited to, a record that
21 contains a microprocessor chip, magnetic stripe or other means
22 for the storage of information, that is prefunded and for which
23 the value is decreased upon each use.

24 **Sec. U-2. 33 MRSA §1958, sub-§2, ¶B-1** is enacted to read:

25 B-1. For a gift obligation or stored-value card, the
26 address of the owner of the gift obligation or stored-value
27 card. Any person who sells or issues a gift obligation or
28 stored-value card shall obtain and maintain the address of
29 the owner of the gift obligation or stored-value card. In
30 the absence of a record of the address of the owner of the
31 gift obligation or stored-value card, the address of the
32 owner is, for purposes of this chapter, presumed to be the
33 address of the Treasurer of State.

34 PART V

35 **Sec. V-1. 5 MRSA §20005, sub-§6, ¶B,** as amended by PL 1995, c.
36 560, Pt. L, §5 and affected by §16, is further amended to read:

37 B. Establish operating and treatment standards and inspect
38 and issue certificates of approval for approved treatment
39 facilities, drug abuse treatment facilities or programs,
40 including residential treatment centers, and community-based

41 service providers and facilities that are private nonmedical
42 institutions pursuant to section 20024 and subchapter V 5.

43 **Sec. V-2. 22 MRSA §7853, first ¶,** as amended by PL 2003, c.
44 449, §2, is further amended to read:

45 The commissioner shall adopt rules for licensed assisted
46 housing programs. Rules adopted pursuant to this section are
47 major substantive rules as defined in Title 5, chapter 375,
48 subchapter 2-A, except that rules to establish categories of
49 licensed assisted housing programs, including private nonmedical
50 institutions, are routine technical rules as defined in Title 5,
51 chapter 375, subchapter 2-A.

52 **Sec. V-3. 22 MRSA §8102, sub-§1,** as repealed and replaced by
53 PL 1981, c. 260, §4, is amended to read:

54 **1. Rules.** The department shall adopt rules for the various
55 levels of children's homes, including, but not limited to,
56 facilities that are private nonmedical institutions, in
57 conformity with the Maine Administrative Procedure Act, Title 5,
58 chapter 375. The rules shall must be designed to protect the
59 health, safety, well-being and development of children and shall
60 must include, but are not be limited to:

- 61 A. The number and qualifications of staff;
- 62 B. Rights and responsibilities of parents, children and
63 staff;
- 64 C. The nature, provision, documentation and management of
65 programs of care or treatment; and
- 66 D. The physical environment.

67 **Sec. V-4. 25 MRSA §2927, sub-§1-B,** as amended by PL 2003, c.
68 359, §4, is further amended to read:

69 **1-B. Statewide E-9-1-1 surcharge.** The activities
70 authorized under this chapter are funded through a special
71 statewide E-9-1-1 surcharge levied on each residential and
72 business telephone exchange line, including private branch
73 exchange lines and Centrex lines, cellular or wireless
74 telecommunications service subscribers and semipublic coin and
75 public access lines. The statewide E-9-1-1 surcharge may not be
76 imposed on more than 25 lines or numbers per customer billing
77 account. In the case of cellular or wireless telecommunications
78 service subscribers, the place of residence of those subscribers
79 must be determined according to the sourcing rules for mobile

2 telecommunications services as set forth in Title 36, section
3 2556. The statewide E-9-1-1 surcharge is 50¢ per month per
4 line or number. The statewide E-9-1-1 surcharge must be billed
5 on a monthly basis by each local exchange telephone utility or
6 cellular or wireless telecommunications service provider and be
7 shown separately as a statewide E-9-1-1 surcharge on the
8 customer's bill.

9 **Sec. V-5. 30-A MRSA §5681, sub-§5**, as amended by PL 2003, c.
10 174, §1, is further amended to read:

11 **5. Transfers to funds.** On the last day of each month, the
12 Treasurer of State shall transfer to the Local Government Fund a
13 percentage, as provided in this subsection, of the receipts from
14 the taxes imposed under Title 36, Parts 3 and 8, and Title 36,
15 section 2552, subsection 1, paragraphs A to F, and credited to
16 the General Fund without any reduction, except that the postage,
17 state cost allocation program and programming costs of
18 administering state-municipal revenue sharing may be paid by the
19 Local Government Fund. Any amounts transferred to the Local
20 Government Fund in excess of the annual growth ceiling must be
21 transferred to the Disproportionate Tax Burden Fund. The
22 percentage transferred to the Local Government Fund on the last
23 day of each month is:

24 A. For months beginning before July 1, 2005, 5.1%; and

25 B. For months beginning on or after July 1, 2005, 5.2%.

26 **Sec. V-6. 34-B MRSA §1203-A, first ¶**, as enacted by PL 1989, c.
27 227, §1, is amended to read:

28 Licenses to operate, conduct or maintain an agency or
29 facility for the provision of mental health services as defined
30 in section 3601, or for the provision of treatment as defined in
31 chapter 6, subchapter ~~¶~~ 2, including facilities that are private
32 nonmedical institutions, are governed as follows.

33 **Sec. V-7. 36 MRSA §1752, sub-§2-B**, as enacted by PL 1983, c.
34 859, Pt. M, §§1 and 13, is repealed.

35 **Sec. V-8. 36 MRSA §1752, sub-§2-C**, as repealed and replaced by
36 PL 1987, c. 497, §17, is repealed.

37 **Sec. V-9. 36 MRSA §1752, sub-§3-D**, as enacted by PL 1999, c.
38 516, §1 and affected by §7, is repealed.

39 **Sec. V-10. 36 MRSA §1752, sub-§3-E**, as enacted by PL 2001, c.
40 584, §2 and affected by §10, is repealed.

41 **Sec. V-11. 36 MRSA §1752, sub-§6-B**, as enacted by PL 2001, c.
42 584, §3 and affected by §10, is repealed.

43 **Sec. V-12. 36 MRSA §1752, sub-§7-D**, as enacted by PL 1999, c.
44 488, §2, is repealed.

45 **Sec. V-13. 36 MRSA §1752, sub-§7-E**, as enacted by PL 2001, c.
46 584, §4 and affected by §10, is repealed.

47 **Sec. V-14. 36 MRSA §1752, sub-§8-B**, as amended by PL 2001, c.
48 584, §5 and affected by §10, is repealed.

49 **Sec. V-15. 36 MRSA §1752, sub-§9-D**, as enacted by PL 2001, c.
50 584, §6 and affected by §10, is repealed.

51 **Sec. V-16. 36 MRSA §1752, sub-§14, ¶B**, as amended by PL 1989,
52 c. 871, §6, is further amended to read:

53 B. "Sale price" does not include:

54 (1) Discounts allowed and taken on sales;

55 (2) Allowances in cash or by credit made upon the
56 return of merchandise ~~or with respect to fabrication~~
57 ~~services~~ pursuant to warranty;

58 (3) The price of property returned ~~or fabrication~~
59 ~~services~~ rejected by customers, when the full price is
60 refunded either in cash or by credit;

61 (4) The price received for labor or services used in
62 installing or applying or repairing the property sold
63 ~~or fabricated~~, if separately charged or stated;

64 (5) Any amount charged or collected, in lieu of a
65 gratuity or tip, as a specifically stated service
66 charge, when that amount is to be disbursed by a hotel,
67 motel, restaurant or other eating establishment to its
68 employees as wages;

69 (6) The amount of any tax imposed by the United States
70 on or with respect to retail sales, whether imposed
71 upon the retailer or the consumer, except any
72 manufacturers', importers', alcohol or tobacco excise
73 tax;

74 (7) The cost of transportation from the retailer's
75 place of business or other point from which shipment is
76 made directly to the purchaser, provided that those
77 charges are separately stated and the transportation

occurs by means of common carrier, contract carrier or the United States mail;

(8) The fee imposed by Title 10, section 1169, subsection 11;

(9) The fee imposed by section 4832, subsection 1; or

(10) The lead-acid battery deposit imposed by Title 38, section 1604, subsection 2-B.

Sec. V-17. 36 MRSA §1752, sub-§14-D, as enacted by PL 2001, c. 584, §7 and affected by §10, is repealed.

Sec. V-18. 36 MRSA §1752, sub-§17-A, as amended by PL 2003, c. 390, §8, is repealed.

Sec. V-19. 36 MRSA §1752, sub-§17-B is enacted to read:

17-B. Taxable service. "Taxable service" means the rental of living quarters in any hotel, rooming house, tourist or trailer camp; the transmission and distribution of electricity; and the rental or lease of an automobile.

Sec. V-20. 36 MRSA §1752, sub-§18-C, as enacted by PL 1999, c. 488, §10, is repealed.

Sec. V-21. 36 MRSA §1752, sub-§18-D, as amended by PL 2001, c. 584, §8 and affected by §10, is repealed.

Sec. V-22. 36 MRSA §1752, sub-§23, as amended by PL 2001, c. 526, §2, is repealed.

Sec. V-23. 36 MRSA §1811, 2nd ¶, as amended by PL 1999, c. 488, §11, is further amended to read:

The tax imposed upon the sale and distribution of gas, water or electricity, ~~or telecommunications services~~, by any public utility, the rates for which sale and distribution are established by the Public Utilities Commission, must be added to the rates so established. No tax may be imposed upon the sale or use of electrical energy, or water stored for the purpose of generating electricity, when the sale is to or by a wholly owned subsidiary by or to its parent corporation, except for electrical energy or water purchased for resale to or by such wholly owned subsidiary.

Sec. V-24. 36 MRSA §1816, as enacted by PL 2001, c. 584, §9 and affected by §10, is repealed.

Sec. V-25. 36 MRSA c. 358 is enacted to read:

CHAPTER 358

SERVICE PROVIDER TAX

§2551. Definitions

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

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 to play audio media and equipment used for recording sound for subsequent noncommercial playback.

2. Extended cable television services. "Extended cable television services" means all cable television service that is in addition to the minimum service that can be purchased from a cable television supplier, including the use of associated equipment for which a charge is made. It does not include installation of the associated equipment for which a separate charge is levied.

3. Fabrication services. "Fabrication services" means the production of tangible personal property for a consideration for a person who furnishes, either directly or indirectly, the materials used in that production. "Fabrication services" does not include the production of tangible personal property if a sale to the consumer of the tangible personal property so produced would be exempt or otherwise not subject to tax under Part 3.

4. Furniture. "Furniture" means movable items that are intended to make a room or establishment useful for human habitation.

A. "Furniture" includes:

(1) Living room furniture, including, but not limited to, sofas, love seats, loungers, recliners, chairs, end tables, coffee tables, curio cabinets, home entertainment centers, book shelves and floor and table lamps;

(2) Bedroom furniture, including, but not limited to, headboards, footboards, bed frames, mattresses, box springs, dressers, chests of drawers, mirrors,

2 armoires, nightstands, bunk beds, roll-away beds and
3 chests;

4 (3) Baby furniture, including, but not limited to,
5 cribs, dressers and changing tables;

6 (4) Dining room furniture, including, but not limited
7 to, tables, chairs, dinette sets, hutches and dry sinks;

8 (5) Patio and outdoor furniture, including, but not
9 limited to, tables, chairs, umbrellas, porch swings and
10 gliders;

11 (6) Office furniture, including, but not limited to,
12 desks, chairs, tables, workstations, movable
13 partitions, shelving, file cabinets, coat racks and
14 couches; and

15 (7) Home electronic devices, including home
16 appliances, home computers, televisions, stereos and
17 radios.

18 B. "Furniture" does not include:

19 (1) Items that are affixed to real property such as
20 sinks, toilets, built-in cabinets or light fixtures; or

21 (2) Furnishings such as carpeting, artwork, draperies
22 or blinds.

23 5. Home service provider. "Home service provider" means
24 the facilities-based carrier or reseller with which a customer
25 contracts for the provision of mobile telecommunications services.

26 6. Mobile telecommunications services. "Mobile
27 telecommunications services" means commercial mobile radio
28 service as defined in 47 Code of Federal Regulations, Section
29 20.3 as in effect on July 1, 1999. For purposes of sourcing,
30 "mobile telecommunications services" does not include air-ground
31 radiotelephone service as defined in 47 Code of Federal
32 Regulations, Section 22.99 as in effect on June 1, 1999.

33 7. Network elements. "Network elements" means features,
34 functions and capabilities that are provided by a
35 telecommunications carrier to another telecommunications carrier
36 including subscriber numbers, databases, signaling systems and
37 information sufficient for billing and collection or used in the
38 transmission, routing or other provisions of a telecommunications
39 service.

40 8. Place of primary use. "Place of primary use" means the
41 street address representative of where a customer's use of mobile
42 telecommunications services primarily occurs, which must be
43 either the residential street address or the primary business
44 street address of the customer and must also be located within
45 the licensed service area of the home service provider. For
46 purposes of determining the place of primary use, "customer"
47 means the person or entity that contracts with the home service
48 provider for mobile telecommunications services or, if the end
49 user of such services is not the contracting party, the person
50 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.

1 9. Prepaid calling arrangement. "Prepaid calling
2 arrangement" means the right to purchase exclusively
3 telecommunications services that must be paid for in advance and
4 that enables the origination of calls using an access number or
5 authorization code. The sale or recharge of the service is
6 considered a sale within the State if the transfer for
7 consideration takes place at the vendor's place of business in
8 the State. If the sale or recharge of a prepaid calling
9 arrangement does not take place at the vendor's place of
10 business, the sale or recharge is deemed to take place at the
11 customer's shipping address or, if there is no item shipped, at
12 the customer's billing address or the location associated with
13 the customer's mobile telephone number. The sale of the service
14 is deemed to occur on the date of the transfer for consideration
15 of the service.

16 10. Private nonmedical institution. "Private nonmedical
17 institution" means a person licensed by the Department of Human
18 Services or the Department of Behavioral and Developmental
19 Services to provide private nonmedical institution services to 4
20 or more MaineCare-eligible and other residents in single or
21 multiple facilities under a written agreement with the Department
22 of Human Services or the Department of Behavioral and
23 Developmental Services. "Private nonmedical institution" does
24 not include a health insurance organization, hospital, nursing
25 home or community health care center.

26 11. Private nonmedical institution services. "Private
27 nonmedical institution services" means services, including food,
28 shelter and treatment, that are provided by a private nonmedical
29 institution.

30 12. Reseller. "Reseller," when used in relation to mobile
31 telecommunications services, means a provider that purchases
32 telecommunications services from another telecommunications

2 service provider and then resells, uses as a component part of or
3 integrates the purchased services into mobile telecommunications
4 services. "Reseller" does not include a serving carrier with
5 which a home service provider arranges for services to its
6 customers outside the home service provider's licensed service
7 area.

8 13. Rural community health center. "Rural community health
9 center" means a person that delivers, or provides facilities for
10 the delivery of, comprehensive primary health care in a place or
11 territory that is classified as rural according to the most
12 recent federal decennial census.

13 14. Sale price. "Sale price" means the total amount of
14 consideration, including cash, credit, property and services, for
15 which personal property or services are sold, leased or rented,
16 valued in money, whether received in money or otherwise, without
17 any deduction for the cost of materials used, labor or service
18 cost, interest, losses and any other expense of the seller.
19 "Sale price" does not include:

20
21
22 A. Discounts allowed and taken on sales;

23 B. Allowances in cash or by credit made upon the return of
24 services pursuant to warranty;

25 C. The price of services rejected by customers when the
26 full sale price is refunded either in cash or by credit; or

27 D. The amount of any tax imposed by the United States or
28 the State on or with respect to retail sales, whether
29 imposed upon the retailer or the consumer.

30
31
32 15. School. "School" means a public or incorporated
33 nonprofit primary, secondary or postsecondary educational
34 institution that has a regular faculty, curriculum and organized
35 body of pupils or students in attendance throughout the usual
36 school year and that keeps and furnishes to students and others
37 records required and accepted for entrance to schools of
38 secondary, collegiate or graduate rank.

39 16. Serving carrier. "Serving carrier," when used in
40 relation to mobile telecommunications services, means a
41 facilities-based carrier providing mobile telecommunications
42 services to a customer outside a home service provider's licensed
43 service area.

44 17. Telecommunications equipment. "Telecommunications
45 equipment" means any 2-way interactive communications device,
46 system or process for transmitting or receiving signals and

2 capable of exchanging audio, video, data or textual information.
3 "Telecommunications equipment" does not include computers, except
4 those components of a computer used primarily and directly as a
5 2-way interactive communications device capable of exchanging
6 audio, video, data or textual information.

7 18. Telecommunications services. "Telecommunications
8 services" means all telecommunications services as described in
9 this subsection.

10 A. "Telecommunications services" includes:

11
12 (1) The provision of 2-way interactive communications
13 through the use of telecommunications equipment,
14 exclusive of mobile telecommunications services;

15 (2) Two-way interactive mobile telecommunications
16 services provided by a home service provider to a
17 customer whose place of primary use is within this
18 State, to the extent those services are associated with
19 transmissions that originate and terminate within this
20 State or within any other state. For purposes of this
21 paragraph, the term "state" includes the District of
22 Columbia and any territory or possession of the United
23 States; and

24 (3) Prepaid calling service.

25 B. "Telecommunications services" does not include:

26
27 (1) Except as otherwise provided by this subsection,
28 service originating or terminating outside this State;

29 (2) Access services;

30 (3) Directory advertising services;

31 (4) The sale of unbundled network elements for use in
32 the provision of telecommunications services;

33 (5) The lease of telecommunications equipment; or

34 (6) Mobile telecommunications services provided by a
35 home service provider to a customer whose place of
36 primary use is not within this State.

37
38 19. Video media; video equipment. "Video media" means
39 prerecorded magnetic tapes used for noncommercial playback of
40 images and sound on video equipment, and other electronic audio
41 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

G. Private nonmedical institution services.

2. Determination of value; liability; statement. Value is measured by the sale price. The liability for, or the incidence 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.

§2553. Registration of service providers

1. Persons required to register; certificates; display. Every person subject to the tax imposed by this chapter shall register as a service provider with the assessor by submitting an application on a form prescribed and furnished by the assessor. 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 and a separate registration certificate issued for each place of business, and the registration certificate must be conspicuously displayed at that place of business. A registration certificate issued pursuant to this section is nontransferable and is not a

license within the meaning of that term in the Maine Administrative Procedure Act.

2. Revocation of registration. The assessor may revoke for cause a registration certificate issued under this section. The 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 reviewable in accordance with section 151. In any case where a registrant has failed to pay any tax imposed by this chapter when 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 due and that determination has become final, notification of the registrant by the assessor as provided in this section operates to suspend the registration certificate from the date of the notice of suspension until such time as the delinquent tax is paid or it is determined by an appropriate court that revocation is not warranted.

3. Making sales after revocation. A person whose service provider tax registration certificate has been revoked by the 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 17-A, section 34, subsection 4-A.

4. Failure to register. A person who is required by this section to register as a service provider with the assessor and who makes retail sales in this State without being so registered commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

§2554. Return and payment of tax

1. Monthly report required. Every person subject to the tax imposed by this chapter shall file with the assessor, on or before the 15th day of each month, a report made under the pains and penalties of perjury on such form as the assessor may prescribe that discloses the total sale price of all sales made during the preceding calendar month and such other information as the assessor requires. The assessor may permit the filing of returns other than monthly. The assessor may by rule waive the reporting of nontaxable sales. The assessor may for good cause extend for not more than 30 days the time for making returns required under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2 2. Payment of tax. The tax imposed by this chapter is due
and payable on the date on which the person subject to the tax is
paid for the service rendered, or the billing date, whichever
comes first. Upon such terms and conditions as the assessor may
prescribe, the assessor may permit a postponement of payment to a
date not later than the date on which the sales so taxed are
required to be reported.

8 **§2555. Overpayments; refunds**

10 If the assessor determines, upon written application by a
taxpayer or during the course of an audit, that any tax has been
paid more than once or has been erroneously or illegally
computed, the assessor shall certify to the State Comptroller the
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
petition stating the grounds upon which the refund or credit is
claimed is filed with the assessor or the overpayment is
discovered on audit. Interest at the rate determined pursuant to
section 186 must be paid on any balance refunded pursuant to this
chapter from the date the return listing the overpayment was
filed or the payment was made, whichever is later. At the
election of the assessor, unless the taxpayer specifically
requests a cash refund, the refund may be credited to the
taxpayer's service provider tax account, but in the case of a
credit no further interest may accrue from the date of that
election. The taxpayer may not apply for a refund of any amount
assessed when administrative and judicial review under section
151 has been completed.

34 A taxpayer dissatisfied with the decision of the assessor,
upon a written request for refund filed under this section, may
request reconsideration and appeal from the reconsideration to
the Superior Court in the same manner and under the same
conditions as in the case of assessments made under chapter 7.
The decision of the assessor upon such written request for refund
becomes final as to law and fact in the same manner and under the
same conditions as in the case of assessments made under chapter
7.

44 **§2556. Sourcing rules for mobile telecommunications services**

46 1. Sourcing rule; identifying place of primary use. Mobile
telecommunications services provided to a customer whose place of
primary use is located in this State, the charges for which are
billed by or for the customer's home service provider, are deemed
to be provided at the customer's place of primary use. A home

2 service provider is responsible for obtaining and maintaining a
record of a customer's place of primary use. Subject to
4 subsection 2 and if the home service provider's reliance on the
information provided by its customer is in good faith, the home
6 service provider:

8 A. May rely on the applicable residential or business
street address supplied by the home service provider's
10 customer; and

12 B. May not be held liable for any additional taxes under
this chapter based on a different determination of the place
14 of primary use.

16 2. Correction of place of primary use; determination by
assessor. If the assessor determines that the address used by a
home service provider as a customer's place of primary use does
not meet the definition provided by section 2551, subsection 8,
the assessor shall notify the customer in writing of that
determination and provide the customer an opportunity to
demonstrate that that address is the customer's place of primary
use. If the customer fails to demonstrate to the assessor's
satisfaction within 30 days from the time it receives notice from
the assessor, or within another time period as the assessor may
allow, that the address in question is the customer's place of
primary use, the assessor shall provide the home service provider
with the proper address to be used as the customer's place of
primary use. The home service provider shall begin using the
address provided by the assessor as the customer's place of
primary use within 30 days from the date it receives notice of
the assessor's determination.

34 3. Hold harmless provision; use of electronic database or
enhanced zip code. A home service provider is entitled to the
hold harmless protections provided by the federal Mobile
Telecommunications Sourcing Act, Public Law 106-252, Section 1,
114 Stat. 2, 2000.

38 4. Bundled services. Notwithstanding any other provision
of this Part, otherwise nontaxable charges that are aggregated
with and not separately stated from taxable mobile
telecommunications charges are subject to taxation unless the
home service provider can, to the satisfaction of the assessor,
reasonably identify such charges from books and records kept in
the regular course of its business. A customer may not rely upon
the nontaxability of bundled services unless the customer's home
service provider separately states the otherwise nontaxable
services or the home service provider elects, after receiving
written notice from the customer in the form required by the
provider, to provide verifiable data based upon the home service

2 provider's books and records that are kept in the regular course
3 of business and that reasonably identify the nontaxable charges.

4 5. Certain preexisting contracts. Subject to subsection 2,
5 a home service provider may treat the address used by it for
6 purposes of the tax imposed by this chapter for any customer
7 under a service contract or agreement in effect on July 28, 2002
8 as that customer's place of primary use for the remaining term of
9 the service contract or agreement, excluding any extension or
10 renewal period.

12 **§2557. Exemptions**

14 The tax imposed by this chapter does not apply in connection
15 with:

16
17 1. Exemptions by constitutional provisions. Sales that
18 this State is prohibited from taxing under the constitution or
19 laws of the United States or under the constitution of this State;

20
21 2. Certain governmental entities. Sales to the State or
22 any political subdivision, or to the Federal Government, or to
23 any unincorporated agency or instrumentality of either of them or
24 to any incorporated agency or instrumentality of them wholly
25 owned by them. This exemption does not apply to corporations
26 organized under Title IV, Part E of the federal Farm Credit Act
27 of 1971, 12 United States Code, Sections 2211 to 2214;

28
29 3. Hospitals, research centers, churches and schools.
30 Sales to incorporated hospitals, incorporated nonprofit nursing
31 homes licensed by the Department of Human Services, incorporated
32 nonprofit residential care facilities licensed by the Department
33 of Human Services, incorporated nonprofit home health agencies
34 certified under the United States Social Security Act of 1965,
35 Title XVIII, as amended, incorporated nonprofit rural community
36 health centers, incorporated nonprofit dental health centers,
37 institutions incorporated as nonprofit corporations for the sole
38 purpose of conducting medical research or for the purpose of
39 establishing and maintaining laboratories for scientific study
40 and investigation in the field of biology or ecology or for
41 operating educational television or radio stations, schools,
42 incorporated nonprofit organizations or their affiliates whose
43 purpose is to provide literacy assistance or free clinical
44 assistance to children with dyslexia and regularly organized
45 churches or houses of religious worship, excepting sales, storage
46 or use in activities that are mainly commercial enterprises;

47
48 4. Other institutions. Sales to incorporated private
49 nonprofit residential child care institutions that are licensed
50 by the Department of Human Services as child care institutions;

2 5. Nonprofit fire departments and nonprofit ambulance
3 services. Sales to incorporated nonprofit fire departments and
4 to incorporated nonprofit ambulance services;

5
6 6. Community mental health facilities, community mental
7 retardation facilities and community substance abuse facilities.
8 Sales to mental health facilities, mental retardation facilities
9 or substance abuse facilities that are:

10
11 A. Contractors under or receiving support under the federal
12 Community Mental Health Centers Act, or its successors; or

13
14 B. Receiving support from the Department of Behavioral and
15 Developmental Services pursuant to Title 5, section 20005 or
16 Title 34-B, section 3604, 5433 or 6204;

17
18 7. Regional planning commissions and councils of
19 government. Sales to regional planning commissions and councils
20 of government that are established in accordance with Title 30-A;

21
22 8. Historical societies, museums and certain memorial
23 foundations. Sales to incorporated nonprofit memorial
24 foundations that primarily provide cultural programs free to the
25 public, historical societies and museums;

26
27 9. Nursery schools and day-care centers. Sales to
28 licensed, incorporated nonprofit nursery schools and day-care
29 centers;

30
31 10. Certain church-affiliated residential homes. Sales to
32 any church-affiliated nonprofit organization that operates, under
33 a charter granted by the Legislature, a residential home for
34 adults;

35
36 11. Medical patients and their families. Sales to
37 incorporated nonprofit organizations providing:

38
39 A. Temporary residential accommodations to pediatric
40 patients suffering from critical illness or disease such as
41 cancer or who are accident victims, to adult patients with
42 cancer or to the families of the patients; or

43
44 B. Temporary residential accommodations, or food, or both,
45 to hospital patients or to the families of hospital patients;

46
47 12. Emergency shelter and feeding organizations. Sales to
48 incorporated nonprofit organizations that provide free temporary
49 emergency shelter or food for underprivileged individuals in this
50 State;

2 13. Child abuse and neglect councils; child advocacy
4 organizations; community action agencies. Except for the sale,
6 storage or use for activities that are mainly commercial
8 enterprises, sales to:

10 A. Incorporated, nonprofit child abuse and neglect councils
12 as defined in Title 22, section 3872, subsection 1-A;

14 B. Statewide organizations that advocate for children and
16 that are members of the Medicaid Advisory Committee; and

18 C. Community action agencies designated in accordance with
20 Title 22, section 5324;

22 14. Certain libraries. Sales to any nonprofit free public
24 lending library that is funded in part or wholly by the State or
26 any political subdivision or the Federal Government;

28 15. Veterans' memorial cemetery associations. Sales to
30 incorporated nonprofit veterans' memorial cemetery associations;

32 16. Nonprofit volunteer search and rescue organizations.
34 Sales to incorporated, nonprofit volunteer search and rescue
36 organizations;

38 17. Incorporated nonprofit hospice organizations. Sales to
40 incorporated nonprofit hospice organizations that provide a
42 program or care for the physical and emotional needs of
44 terminally ill patients;

46 18. Nonprofit youth organizations. Sales to nonprofit
48 youth organizations whose primary purpose is to provide athletic
50 instruction in a nonresidential setting or sales to councils and
local units of incorporated nonprofit national scouting
organizations;

19. Certain incorporated nonprofit educational
organizations. Sales to incorporated nonprofit educational
organizations that are receiving, or have received, funding from
the Department of Education and that provide educational programs
specifically designed for teaching young people how to make
decisions about drugs, alcohol and interpersonal relationships at
a residential camp setting;

20. Charitable suppliers of medical equipment. Sales to
local branches of incorporated international nonprofit charitable
organizations that provide, on a loan basis and free of charge,
medical supplies and equipment to persons;

2 21. Organizations fulfilling wishes of children with
4 life-threatening diseases. Sales to incorporated nonprofit
6 organizations whose sole purpose is to fulfill the wishes of
8 children with life-threatening diseases when their families or
10 guardians are unable otherwise to financially fulfill those
12 wishes;

14 22. Incorporated nonprofit providers of certain support
16 systems for single-parent families. Sales to incorporated
18 nonprofit organizations engaged primarily in providing support
20 systems for single-parent families for the development of
22 psychological and economic self-sufficiency;

24 23. Nonprofit home construction organizations. Sales to
26 local branches of incorporated nonprofit organizations whose
28 purpose is to construct low-cost housing for low-income people;

30 24. Vietnam veteran registries. Sales to incorporated,
32 nonprofit organizations whose sole purpose is to create, maintain
34 and update a registry of Vietnam veterans;

36 25. Organizations providing certain services for
38 hearing-impaired persons. Sales to incorporated nonprofit
40 organizations whose primary purposes are to promote public
42 understanding of hearing impairment and to assist
44 hearing-impaired persons through the dissemination of information
46 about hearing impairment to the general public and referral to
48 and coordination of community resources available to
50 hearing-impaired persons;

26. State-chartered credit unions. Sales to credit unions
that are organized under the laws of this State. This subsection
remains in effect only for the time that federally chartered
credit unions are, by reason of federal law, exempt from payment
of the tax imposed by this chapter;

27. Nonprofit housing development organizations. Sales to
nonprofit organizations whose primary purpose is to develop
housing for low-income people;

28. Eye banks. Sales to nonprofit organizations whose
primary purpose is to obtain, medically evaluate and distribute
eyes for use in corneal transplantation, research and education;

29. Centers for innovation. Sales to centers for
innovation as described in Title 5, section 13141; and

30. Sales for resale. Sales of services to another service
provider for resale.

2 The exemptions provided in this section apply only when an
3 exempt entity purchases a service for its own use or on its own
4 behalf and do not apply when an exempt entity pays for the
5 service for the use of or on behalf of another person.

6 **§2558. Requirement to file amended return**

8 1. Amended return required. A person subject to the tax
9 imposed by this chapter must file an amended return whenever an
10 agency of the State, other than the Bureau of Revenue Services,
11 or of the United States makes an audit finding that changes or
12 corrects any item affecting the person's liability under this
13 chapter or whenever for any reason there is a change or
14 correction affecting the person's liability under this chapter.

16 2. Amended return filed. The amended return must be filed
17 within 90 days of an audit finding affecting a person's liability
18 under this chapter or within 90 days of the time that a person
19 learns of any other change or correction affecting its liability
20 under this chapter.

22 3. Contents of amended return. The amended return required
23 by this section must indicate the change or correction and the
24 reason for that change or correction. The amended return
25 constitutes an admission as to the correctness of the change
26 unless the taxpayer includes with the return a written
27 explanation of the reason the change or correction is erroneous.

28 4. Additional requirements. The assessor may require
29 additional information to be filed with the amended return. The
30 assessor may prescribe exceptions to the requirements of this
31 section.

32 **§2559. Application of revenues**

34 Revenues derived by the tax imposed by this chapter must be
35 credited to a General Fund suspense account. On or before the
36 last day of each month, the Treasurer of State shall transfer a
37 percentage of the revenues received by the assessor during the
38 preceding month pursuant to the tax imposed by section 2552,
39 subsection 1, paragraphs A to F to the Local Government Fund as
40 provided by Title 30-A, section 5681, subsection 5. On or before
41 the 15th day of each month, the State Controller shall transfer
42 all revenues received by the assessor during the preceding month
43 pursuant to the tax imposed by section 2552, subsection 1,
44 paragraph G to the Nonmedical Care Services Other Special Revenue
45 fund account in the Department of Human Services.

46 **Sec. V-26. Effective date; tax returns and payments.** This Part
47 takes effect July 1, 2004, except those sections that amend
48
49
50

the Maine Revised Statutes, Title 5, section 20005, subsection 6,
paragraph B; Title 22, section 7853, first paragraph and section
8102, subsection 1; and Title 34-B, section 1203-A, first
paragraph, which take effect when approved. Tax returns and
payments required by Title 36, chapter 358 are first due on
August 15, 2004.

8 **PART W**

10 **Sec. W-1. 22 MRSA §4008, sub-§6 is enacted to read:**

12 **6. Requests for disclosure of records; establishment of**
13 **fees; rules. The department may accept requests and charge fees**
14 **for research and disclosure of its records as provided in this**
15 **subsection.**

16 **A. The department may charge fees for the services listed in**
17 **paragraph B to any person except the following:**

20 (1) A parent in a child protection proceeding, an
21 attorney who represents a parent in a child protection
22 proceeding or a guardian ad litem in a child protection
23 proceeding when the parent, attorney or guardian ad
24 litem requests the service for the purposes of the
25 child protection proceeding;

26 (2) An adoptive parent or prospective adoptive parent
27 who requests records relating to the child who has been
28 or might be adopted;

29 (3) A person having the legal authorization to
30 evaluate or treat a child, parent or custodian who is
31 the subject of a record, including a member of a
32 treatment team or group convened to plan for or treat a
33 child or family that is the subject of a record; the
34 record must be requested for the purpose of evaluating
35 or treating the child, parent or custodian who is the
36 subject of the record;

37 (4) Governmental entities of this State that are not
38 engaged in licensing; and

39 (5) Governmental entities of any county or
40 municipality of this State that are not engaged in
41 licensing.

42 **A request or order by a court for disclosure of records**
43 **pursuant to subsection 3, paragraph B must be deemed to have**
44 **been made by the person requesting that the court order the**
45 **disclosure.**

2 B. The department may charge fees for the following
4 services:

6 (1) Researching its records to determine whether a
8 particular person is named in the records;

10 (2) Receiving and responding to a request for
12 disclosure of department records, whether or not the
14 department grants the request; and

16 (3) Disclosing department records.

18 C. The department may adopt rules governing requests for
20 the services listed in paragraph B. Those rules may provide
22 for a mechanism for making a request, the information
24 required in making a request, the circumstances under which
26 requests will be granted or denied and any other matter that
28 the department determines necessary to efficiently respond
30 to requests for disclosure of records. Rules adopted
32 pursuant to this paragraph are routine technical rules
34 pursuant to Title 5, chapter 375, subchapter 2-A.

36 D. The department shall establish a schedule of fees by
38 rule. The schedule of fees may provide that certain classes
40 of persons are exempt from the fees, and it may establish
42 different fees for different classes of persons. All fees
44 collected by the department must be deposited in the General
46 Fund. Rules adopted pursuant to this paragraph are major
48 substantive rules pursuant to Title 5, chapter 375,
50 subchapter 2-A.

E. A governmental entity that is engaged in licensing may
charge an applicant for the fees imposed on it by the
department for research and disclosure of records.

F. This subsection may not be construed to permit or
require the department to make a disclosure in any
particular case.

PART X

Sec. X-1. 22 MRSA §2494, as amended by PL 1987, c. 838, §1,
is further amended to read:

§2494. Fees

Each application for, or for renewal of, a license to
operate an eating establishment, eating and lodging place,

lodging place, recreational camp or camping area within the
meaning of this chapter shall must be accompanied by a fee,
appropriate to the size of the establishment, place, camp or area
of the licensee, determined by the department and not to exceed
the fees listed below. All fees collected by the department
shall must be deposited in the General Fund. No such fee may be
refunded. No license may be assignable or transferable. The
fees may not exceed:

1. One hundred dollars. Forty One hundred dollars for:

A. Public schools governed by a school board of an
administrative unit;

B. Private secondary schools approved for tuition when
school enrollments are at least 60% publicly funded students
as determined by the previous school year's October to April
average enrollment; and

C. Schools operated by an agency of State Government for
the education of children in unorganized territories;

2. Sixty dollars. Ten Sixty dollars for each inspection
for any eating establishment which that is located in a
municipality which that requires local inspections of eating
establishments; and

3. One hundred fifty dollars. One hundred twenty-five
fifty dollars for all other establishments, places and camps not
included in subsection 1 or 2.

All such fees are for the license, 2 licensure inspections
and one follow-up inspection. When additional inspections are
required to determine an applicant's eligibility for licensure,
the department is authorized through its rules to charge an
additional \$30 ~~\$35~~ fee to cover the costs of each additional
inspection or visit. Failure to pay such charges within 30 days
of the billing date shall ~~constitute~~ constitutes grounds for
revocation of the license, unless an extension for a period not
to exceed 60 days is granted in writing by the commissioner.

Sec. X-2. 22 MRSA §2495, 2nd ¶, as repealed and replaced by PL
1981, c. 203, §1, is amended to read:

When any initial applicant is found, based upon an
inspection by the department or by municipal inspection made
according to section 2499, not in compliance with the
requirements of this chapter or departmental regulations adopted
and approved pursuant to section 2496 or 2499, subsection 1, the
department may refuse issuance of the initial license, but shall

2 issue a conditional license, except when conditions are found
3 which ~~that~~ present a serious danger to the health and safety of
4 the public. A conditional license shall ~~may~~ not exceed 90 days.
5 Failure by the conditional licensee to meet the conditions
6 specified by the department shall ~~permit~~ permits the department
to void the conditional license.

8 Sec. X-3. 22 MRSA §2496, first ¶, as enacted by PL 1975, c.
9 496, §3, is amended to read:

10 The department is authorized and empowered to make and
11 enforce all necessary rules and regulations for the
12 administration of this chapter, and may rescind or modify such
13 rules and regulations from time to time as may be in the public
14 interest, insofar as such action is not in conflict with any of
15 the provisions of this chapter. These rules must include a
16 requirement that all licensed eating establishments employ at
17 least one certified food protection manager. The department may
18 by rule establish a timetable to phase in the requirement for
19 eating establishments to comply with the requirement to employ at
20 least one certified food protection manager, as long as all
21 eating establishments comply with that requirement no later than
22 January 1, 2007. The department shall establish levels of food
23 protection manager licensure corresponding to levels of risk.
24 Degree of risk is based on items such as history of noncompliance
25 with departmental rules, recent changes to the licensed
26 establishment, duration or reoccurrence of a violation of
27 departmental rules, size of the client population, type of
28 population served and drinking water and wastewater system
29 integrity. Rules adopted to implement the requirement that all
30 eating establishments employ at least one certified food
31 protection manager are routine technical rules as defined in
32 Title 5, chapter 375, subchapter 2-A.

33 Sec. X-4. 22 MRSA §2498, sub-§1, ¶¶A and C, as enacted by PL
34 1991, c. 591, Pt. J, §5, are amended to read:

35 A. The department may impose penalties for violations of
36 this chapter, or the rules enacted pursuant to this chapter,
37 on any eating establishment, eating and lodging place,
38 lodging place, recreational camp or camping area. The
39 penalties may not be greater than \$50 ~~\$100~~ for each
40 violation. Each day that the violation remains uncorrected
41 may be counted as a separate offense. Penalties may be
42 imposed for each violation of the rules.

43 C. Any person, corporation, firm or copartnership that
44 operates any eating establishment, eating and lodging place,
45 lodging place, recreational camp or camping area without
46 first obtaining a license as required by this chapter must

2 be punished, upon conviction, by a fine of not less than \$10
3 \$25 nor more than \$100 ~~\$200~~, and upon 2nd or subsequent
4 conviction, must be punished by a fine of not less than \$100
5 \$200. Each day any such person, corporation, firm or
6 copartnership operates without obtaining a license
constitutes a separate offense.

8 Sec. X-5. 22 MRSA §2499, sub-§6, as amended by PL 1981, c.
9 703, Pt. A, §19, is further amended to read:

10 6. License fee. When a license is issued ~~on-the-basis-of-a~~
11 ~~municipal-inspection to an eating establishment located in a~~
12 ~~municipality to which authority to conduct inspection has been~~
13 ~~delegated by the department~~ as specified in this section, the
14 requirement for payment of a license fee ~~by the establishment~~ to
15 the department as set forth in section 2494 shall ~~must~~ be
16 waived. However, the licensee shall ~~be~~ is required to pay the
17 department a sum not to exceed \$10 ~~\$60~~ to support the costs of
18 mailing and handling.

19 Sec. X-6. 22 MRSA §2499, sub-§7, as enacted by PL 1975, c.
20 496, §3, is amended to read:

21 7. Licenses. Licenses issued under ~~this~~ section 2499 must
22 be displayed, renewed and in every other way treated the same as
23 licenses issued under this chapter on the basis of inspection by
24 the department.

25 Sec. X-7. 22 MRSA §2499, sub-§9 is enacted to read:

26 9. Delegation renewal. Beginning January 1, 2005, and
27 every 3 years thereafter, the department shall review the
28 restaurant inspection program of the municipalities to which
29 authority to conduct inspections has been delegated. The process
30 for the delegation of this authority and other such provisions
31 describing the assignment of and removal of this delegation of
32 authority must be established by rule and must include, but not
33 be limited to, staff competency, enforcement and compliance
34 history, inspection practices and reporting practices. Rules
35 adopted pursuant to this subsection are routine technical rules
36 pursuant to Title 5, chapter 375, subchapter 2-A.

37 PARTY

38 Sec. Y-1. 22 MRSA §14, sub-§2-I, ¶C as amended by PL 1993, c.
39 707, Pt. I, §1, is further amended to read:

40 C. --A- The department's claim may--not--be--made under
41 paragraph A, subparagraph (2) or (3) until against assets

wholly or partially owned by the recipient at the time of the recipient's death, including jointly owned real estate, survives the death of the recipient and is collectible against a transferee of such assets. The claim is not collectible against a transferee for fair market value or against:

(1) ~~The recipient has no~~ A surviving spouse during the surviving spouse's lifetime; and or

(2) ~~The recipient has no~~ A surviving child of the recipient who is under age 21 or who is blind or permanently and totally disabled as defined in 42 United States Code, Section 1382c, during the surviving child's lifetime.

Any claim that is uncollectible from a person due to the provisions of subparagraph (1) or (2) is collectible from the estate of such person upon that person's death.

PART Z

Sec. Z-1. 22 MRS §4004-B is enacted to read:

§4004-B. Infants born affected by substance abuse or after prenatal exposure to drugs

The department shall act to protect infants born identified as being affected by illegal substance abuse or suffering from withdrawal symptoms resulting from prenatal drug exposure, whether or not the prenatal exposure was to legal or illegal drugs, regardless of whether or not the infant is abused or neglected. The department shall:

1. Receive reports. Receive reports of infants who may be affected by illegal substance abuse or suffering from withdrawal symptoms resulting from prenatal drug exposure;

2. Investigate. Promptly investigate all reports received of infants born who may be affected by illegal substance abuse or suffering from withdrawal symptoms resulting from prenatal drug exposure;

3. Determine if infant is affected. Determine whether or not each infant reported is affected by illegal substance abuse or suffers from withdrawal symptoms resulting from prenatal drug exposure;

4. Determine if infant is abused or neglected. Determine whether or not the infant is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

5. Develop plan for safe care. For each infant whom the department determines to be affected by illegal substance abuse or to be suffering from withdrawal symptoms resulting from prenatal drug exposure, develop, with the assistance of any health care provider involved in the mother's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or mother or both to a social service agency or voluntary substance abuse prevention service; and

6. Comply with section 4004. For each infant whom the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

Sec. Z-2. 22 MRS §4008, sub-§3, ¶G, as amended by PL 2001, c. 696, §19, is further amended to read:

G. The prospective adoptive parents. Prior to a child being placed for the purpose of adoption, the department shall comply with the requirements of Title 18-A, section 9-304, subsection (b) and section 8205; and

Sec. Z-3. 22 MRS §4008, sub-§3, ¶H, as enacted by PL 2001, c. 696, §20, is amended to read:

H. Upon written request, a person having the legal authorization to evaluate or treat a child, parent or custodian who is the subject of a record. This includes a member of a treatment team or group convened to plan for or treat a child or family that is the subject of a record;

Sec. Z-4. 22 MRS §4008, sub-§3, ¶I and J are enacted to read:

I. Any government entity that needs such information in order to carry out its responsibilities under law to protect children from abuse and neglect. For purposes of this paragraph, "government entity" means a federal entity, a state entity of any state, a local government entity of any state or locality or an agent of a federal, state or local government entity; and

J. To a juvenile court when the child who is the subject of the records has been brought before the court pursuant to Title 15, Part 6.

2 shall ~~must~~ guarantee cleanup by the applicant of the area used
3 for the mass outdoor gathering, compliance by the applicant with
4 any applicable state or local law or regulation, and payment by
5 the applicant of all proper claims against the applicant for
6 damage to real or personal property in the municipality for which
7 the permit is issued and arising out of facts done or omitted to
8 be done by the applicant, ~~his~~ the applicant's agents or
9 employees. Any person having such a claim may bring an action
10 upon the bond in the Superior Court of the county in which the
11 municipality is located within one year of the occurrence of the
12 act complained of. In furnishing such a bond, the applicant
13 ~~shall be~~ is deemed to have appointed the surety company as agent
14 for the service of process upon ~~him~~ the applicant or if cash or
15 securities are supplied in lieu of a bond, the applicant shall in
16 writing appoint an agent for the service of process, irrevocably,
17 for the term within which action may be brought before any permit
18 is issued.

19 **Sec. AA-5. 22 MRSA §1605**, as amended by PL 1977, c. 347, §6,
20 is further amended to read:

21 **§1605. Application and permit fee**

22 The fee for such reviewing an application is \$100 and must
23 accompany the application, and the fee for a permit shall be \$100
24 is a maximum of \$750 and must accompany the application therefor
25 be submitted promptly when requested by the department. Travel
26 costs may also be charged to the applicant for department
27 inspectors providing health inspection and oversight during the
28 event. Rules, which are routine technical rules pursuant to
29 Title 5, chapter 375, subchapter 2-A, must be established
30 providing a fee schedule and related requirements. All moneys
31 money received under this chapter shall must be used to help
32 defray the costs of the administration thereof.

33 **Sec. AA-6. 22 MRSA §1607**, as amended by PL 1987, c. 395, Pt.
34 A, §88, is further amended to read:

35 **§1607. Application**

36 This chapter does not apply to fairs, exhibitions and
37 similar events held by agricultural societies and associations,
38 pomological societies or poultry associations, as defined and
39 regulated under Title 7, chapter 3, or military activities. It
40 shall ~~does~~ not apply to persons, associations, corporations,
41 trusts or partnerships licensed under Title 8, chapters 11 and
42 19, nor to municipal civic events, provided reasonable steps are
43 taken to accommodate the needs of the public. The department
44 shall adopt rules to implement this section. Rules adopted under
45 this section must include, but not be limited to, rules governing
46

47 the numbers of portable toilets and food vendors properly
48 licensed by the department that are required to accommodate the
49 needs of the public. Rules adopted pursuant to this section are
50 routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

51 **PART BB**

52 **Sec. BB-1. 18-A MRSA §5-408, sub-§(6)** is enacted to read:

53 (6) The court may not authorize any gifts from the
54 protected person's estate other than to the protected person's
55 spouse unless the court finds:

56 (a) That the estate of the protected person is sufficient
57 for the protected person's care and maintenance for the
58 present and the foreseeable future, including due provision
59 for the protected person's established standard of living
60 and for the support of any persons the protected person is
legally obligated to support; and

61 (b) That the purpose of the gift is not to diminish the
62 protected person's estate in order to qualify the protected
63 person for federal or state aid or benefits.

64 The provisions of this subsection do not prevent the court from
65 approving a transfer of assets to a trust established pursuant to
42 United States Code, Section 1396p(d)(4), as amended.

66 **Sec. BB-2. 18-A MRSA §5-409, sub-§(b)**, as enacted by PL 1979,
67 c. 540, §1, is amended to read:

68 (b) When it has been established in a proper proceeding
69 that a basis exists as described in section 5-401 for affecting
70 the property and affairs of a person the court, without
71 appointing a conservator, may authorize, direct or ratify any
72 contract, trust or other transaction relating to the protected
73 person's financial affairs or involving ~~his~~ the protected
74 person's estate if the court determines that the transaction is
75 in the best interests of the protected person. In the event of a
proposed transaction that would transfer assets out of the
protected person's estate to another person other than the
protected person's spouse or to a trust other than a trust
established pursuant to 42 United States Code, Section
1396p(d)(4), as amended, that transaction may not be authorized
unless the court has established upon due inquiry that the estate
of the protected person is sufficient for the protected person's
care and maintenance for the present and the foreseeable future,
including due provision for the protected person's established

2 standard of living and for the support of any persons the
3 protected person is legally obligated to support. The court,
4 except as provided in this section, may not authorize any
5 transaction for the purpose of diminishing the protected person's
6 estate in order to qualify the protected person for federal or
7 state aid or benefits.

8 **Sec. BB-3. 18-A MRSA §5-425, sub-§(b)**, as enacted by PL 1979,
9 c. 540, §1, is amended to read:

10 (b) If the estate is ample to provide for the purposes
11 implicit in the distributions authorized by the preceding
12 subsections, a conservator for a protected person other than a
13 minor has power to make gifts to charity and other objects as the
14 protected person might have been expected to make, in amounts
15 which do not exceed in total for any year 20% of the income
16 from the estate. Such a gift may not be made other than to the
17 protected person's spouse unless the conservator has established
18 upon due inquiry that the estate of the protected person is
19 sufficient for the protected person's care and maintenance for
20 the present and the foreseeable future, including due provision
21 for the protected person's established standard of living and for
22 the support of any persons the protected person is legally
23 obligated to support. The conservator may not make any gift for
24 the purpose of diminishing the protected person's estate in order
25 to qualify the protected person for federal or state aid or
26 benefits. This subsection does not prohibit a transfer to a
27 trust established pursuant to 42 United States Code, Section
28 1396p(d)(4).

32 PART CC

33 **Sec. CC-1. 22 MRSA §1552**, as amended by PL 1999, c. 547, Pt.
34 B, §78 and affected by §80, is further amended to read:

35 **§1552. Application procedure**

36 1. **Application process; license fees.** An applicant for a
37 one-time an annual retail tobacco license shall file an
38 application in the form required by the department. The
39 department shall make provisions for applications under this
40 section. The fee for a one-time retail tobacco license is set by
41 the department at the actual cost of processing the application
42 and issuing the license, up to but not exceeding \$25 \$50
43 annually. The applicant shall enclose the fee with the
44 application for the license.

45 2. **Term of license.** All retail tobacco licenses are valid
46 indefinitely for one year unless suspended, revoked or not

2 subject to the transfer under section 1553. Licenses that have
3 been suspended or revoked may be reinstated, as permitted by the
4 District Court decision issued under subchapter II 2, upon the
5 receipt of an application for reinstatement and payment of all
6 penalties and an application fee of \$25 \$50.

7 3. **Multiple licenses.** A licensee applying for licenses to
8 operate more than one premises or more than one vending machine
9 shall obtain a separate license for each premises and each
10 machine and shall pay the fee prescribed for each premises and
11 each machine.

12 4. **Application fees.** All application fees must be
13 deposited in a ~~nonlapsing account to be used by the department to~~
14 ~~defray administrative costs~~ the General Fund.

15 5. **False answer given intentionally.** A person who
16 intentionally gives a false answer in an application for a retail
17 tobacco license violates Title 17-A, section 453.

20 PART DD

21 **Sec. DD-1. 22 MRSA §3174-F, sub-§1**, as amended by PL 1997, c.
22 159, §§1 and 2, is further amended to read:

23 1. **Coverage provided.** The Department of Human Services
24 shall ~~may~~ provide dental services, reimbursed under the United
25 States Social Security Act, Title XIX, or successors to it, to
26 individuals 21 years of age and over, limited to:

27 A. Acute surgical care directly related to an accident
28 where traumatic injury has occurred. This coverage will
29 only be provided for the first 3 months after the accident;

30 B. Oral surgical and related medical procedures not
31 involving the dentition and gingiva;

32 C. Extraction of teeth that are severely decayed and pose a
33 serious threat of infection during a major surgical
34 procedure of the cardiovascular system, the skeletal system
35 or during radiation therapy for a malignant tumor;

36 D. Treatment necessary to relieve pain, eliminate infection
37 or prevent imminent tooth loss; and

38 F. Other dental services, including full and partial
39 dentures, medically necessary to correct or ameliorate an
40 underlying medical condition, if the department determines
41 that provision of those services will be cost-effective in
42

comparison to the provision of other covered medical services for the treatment of that condition.

Sec. DD-2. 22 MRSA §3521, as amended by PL 2003, c. 20, Pt. K, §13, is further amended to read:

§3521. Medical eye care program

The department shall provide medical eye services, within the amounts appropriated by the Legislature, ~~including corrective glasses,~~ to individuals who have an annual income not exceeding ~~80% of the State's median income adjusted for family size and who have 185% of the federal poverty level, who have no other creditable coverage and who have a significant eye disorder that, if untreated, is expected to progress to blindness.~~

~~1. -- Eye disorder. -- A significant eye disorder that, if untreated, may progress to blindness; or~~

~~2. -- Visual acuity of 20/70 or worse. -- A visual acuity after correction of 20/70 or worse in the better eye.~~

The department shall, after hearing, in a manner consistent with the Maine Administrative Procedure Act, adopt rules governing eligibility, application procedures, services covered and reimbursement procedures, including member responsibility for a \$10 copayment for prescriptions, ~~a \$10 copayment for an office visit to a physician, optometrist or optician,~~ and a \$50 copayment for a hospital procedure or an ambulatory surgical center procedure. The medical eye care program provided under this section is the payor of last resort. The authority to adopt rules granted by this paragraph is deemed to be the same authority granted by former section 3501-B.

Sec. DD-3. 22 MRSA §4326 is enacted to read:

§4326. Nonlapsing funds

Any balance remaining in the General Assistance - Reimbursement to Cities and Towns program in the Department of Human Services at the end of any fiscal year must be carried forward for the next fiscal year.

Sec. DD-4. 36 MRSA §191, sub-§2, ¶F, as amended by PL 2001, c. 23, §1, is further amended to read:

F. The transmission of information among employees of the Bureau of Revenue Services for the purposes of enforcing the tax laws of this State and the delivery by a register of deeds to the State Tax Assessor or delivery by the State Tax

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;

Sec. DD-5. General Fund unappropriated surplus.

Notwithstanding any other provision of law, the State Controller is authorized to recognize as General Fund unappropriated surplus, no later than June 30, 2005, \$177,232 generated from fiscal year 2002-03 funds returned from health care providers.

Sec. DD-6. MaineCare; benefit and service structure.

Notwithstanding the Maine Revised Statutes, Title 22, sections 3174-F and 3174-Q or any other provision of law, the Commissioner of Human Services may modify MaineCare covered services and the MaineCare benefit structure for adults in order to manage the program.

Sec. DD-7. Rule implementation.

The Department of Human Services may implement retroactively to July 1, 2003 a routine technical rule, "Chapter 115, Principles of Reimbursement for Residential Care Facilities - Room and Board Costs," which addresses the recovery of return on equity from private nonmedical institutions.

Sec. DD-8. Minimum record keeping requirements.

Agencies authorized to administer programs funded by Temporary Assistance for Needy Families or "TANF" funds must adhere to minimum record-keeping requirements established by the federal Department of Health and Human Services, Administration for Children and 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.

Sec. DD-9. State Supplement to Federal Supplemental Security Income General Fund account; lapsed balances.

Notwithstanding any other provision of law, \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State 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.

PART EE

2 **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:

4
6 B. Two million dollars of the revenues from the taxes
imposed under Title 36, Parts 3 and 8 and credited to the
General Fund, transferred to the fund by the State
8 Controller on or before January 1st of each year, beginning
January 1, 1999. These revenues must be offset in an
10 equitable manner by an equivalent reduction within the
administrative divisions of the legislative branch and
12 executive branch agencies. This section may not affect the
funds distributed to the Local Government Fund under Title
14 30-A, section 5681.

16 If the commission determines that the fund will not have
sufficient revenues to cover the likely demand for funds
18 from the Maine Clean Election Fund in an upcoming calendar
year 2006, by January 1, 2006, 1st the commission shall
20 provide a report of its projections of the balances in the
Maine Clean Election Fund to the Legislature and the
22 Governor and may request that the State Controller make the
following transfers to the Maine Clean Election Fund from
24 the General Fund:

26 (1) Up to \$2,000,000 no later than February 28, 2006,
reflecting an advance of the transfer of the amounts
28 that would be received on or before January 1, 2007
pursuant to this paragraph; and

30 (2) Up to \$2,000,000 no later than July 31, 2006,
reflecting an advance of the transfer of the amounts
32 that would be received on or before January 1, 2008
pursuant to this paragraph; and

34 (3) Up to \$1,500,000 no later than September 1, 2004,
36 reflecting a partial advance of the transfer of the
38 amounts that would be received on or before January 1,
2005 pursuant to this paragraph;

40 PART FF

42 **Sec. FF-1. 24-A MRSA §4316** is enacted to read:

44 **§4316. Coverage of crisis and crisis residential services**

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

2 A. "Crisis residential services" means services provided to
4 persons in acute psychiatric crisis in short-term, highly
6 supportive and supervised residential settings. "Crisis
8 residential services" includes monitoring of behavior,
10 therapeutic intervention, supportive counseling,
12 coordination with other community-based services and
14 supervision to ensure personal safety.

16 B. "Crisis services" means those personal supervision
18 services and therapeutic supports provided during a
20 psychiatric emergency that include monitoring of behavior
22 and response to therapeutic interventions, participation in
24 and assistance during crisis and post-crisis stabilization
26 activities and supervision to ensure personal safety.
28 Crisis services may be provided in the insured's home or
30 outside of the home.

32 **2. Required coverage.** A carrier shall provide coverage for
34 crisis services and crisis residential services in all health
36 plans to meet adequately the medical needs of the enrollee. A
38 carrier may require that crisis services and crisis residential
40 services be rendered by an organization that is licensed as a
42 crisis services or crisis residential services provider by the
44 Department of Behavioral and Developmental Services.

46 **3. Exceptions.** This section does not apply to policies,
48 contracts or certificates covering employees of employers with 20
50 or fewer employees, whether the group policy is issued to the
employer, to an association, to a multiple-employer trust or to
another entity.

4. Application. Except as noted in subsection 3, the
requirements of this section apply to all group policies,
contracts and certificates executed, delivered, issued for
delivery, continued or renewed in this State. For purposes of
this section, all contracts are deemed to be renewed no later
than the next yearly anniversary of the contract date.

Sec. FF-2. Application. This Part applies to policies,
contracts and certificates executed, delivered, issued for
delivery, continued or renewed in this State on or after April 1,
2004. For purposes of this Part, all contracts are deemed to be
renewed no later than the next yearly anniversary of the contract
date.

Sec. FF-3. Exemption from review. Notwithstanding the Maine
Revised Statutes, Title 24-A, section 2752, this Part must be
enacted without review and evaluation by the Department of
Professional and Financial Regulation, Bureau of Insurance.

PART GG

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. 36 MRSA §2892, as enacted by PL 2003, c. 513, Pt. H, §1, is amended to read:

§2892. Tax imposed

For state fiscal years beginning on or after July 1, 2003, a tax is imposed annually against each hospital in the State. The tax is equal to ~~74%~~ 2.03% of net operating revenue for the tax year as identified on the hospital's most recent audited annual financial statement for that tax year. Delinquent tax payments are subject to Title 22, section 3175-C.

Sec. HH-2. 36 MRSA §2893, sub-§2, as enacted by PL 2003, c. 513, Pt. H, §1, is amended to read:

2. Return required in state fiscal years beginning on or after July 1, 2004. For tax due for state fiscal years beginning on or after July 1, 2004, a person subject to the tax imposed by this chapter shall submit to the assessor a return on a form prescribed and furnished by the assessor and ~~pay the tax by July 15th~~ one half of the total tax due by November 15th of the state

fiscal year for which the tax is being imposed and one half of the total tax due by May 15th of the state fiscal year for which the tax is being imposed.

PART II

Sec. II-1. 36 MRSA §187-B, sub-§1-A is enacted to read:

1-A. Failure to file information return. A person failing to file an information return as required by section 5241 at or before the time the return becomes due is liable for a penalty of \$10 per month multiplied by the number of partners or shareholders of the entity for the tax year at issue for each month that such failure continues, limited to \$1,000 per month and \$5,000 per information return. The assessment of the penalty is against the entity and is in lieu of the penalty in subsection 1. The penalty is not considered a tax for purposes of Title 30-A, section 5681, subsection 5.

Sec. II-2. 36 MRSA §5245 is enacted to read:

§5245. Service fee

An annual service fee of \$100 is imposed on every entity that files or is required to file an information return under section 5241. The fee is due and payable on or before the date fixed for filing the return under section 5241 determined without regard to any extension of time for filing the return. The fee is not considered a tax for purposes of Title 30-A, section 5681, subsection 5. This fee is subject to interest under section 186 and penalties under section 187-B in the same manner as taxes imposed by this Part are subject to interest and penalties under sections 186 and 187-B.

Sec. II-3. Application. This Part applies to returns due for tax years beginning on or after January 1, 2004.

PART JJ

Sec. JJ-1. 36 MRSA §5203-A, as amended by PL 2003, c. 479, §7, is repealed.

Sec. JJ-2. 36 MRSA §5203-B, as amended by PL 1995, c. 281, §29, is further amended to read:

§5203-B. Corporate income tax surcharge

In addition to the tax liability otherwise established by this Part, a tax surcharge of 10% of the total amount of state tax liability established by sections 5200 and 5203-A 5203-C is

2 imposed on taxable corporations for tax years beginning in 1991
or 1992.

4 Sec. JJ-3. 36 MRSA §5203-C is enacted to read:

6 §5203-C. State minimum tax

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

12 A. "Alternative minimum tax" means any excess of tentative
minimum tax over the regular income tax.

14 B. "Alternative minimum taxable income" means federal
alternative minimum taxable income:

18 (1) Reduced by income that states are prohibited under
federal law from subjecting to income tax to the extent
included in federal alternative minimum taxable income;

22 (2) Reduced by income, loss or deductions by which the
State decreases federal adjusted gross income in the
case of individuals or federal taxable income in the
case of corporations, estates and trusts under section
5122; 5125, subsection 3; 5164; 5176; or 5200-A or as
otherwise indicated by law to the extent included in
federal alternative minimum taxable income; and

30 (3) Increased by income, loss or deductions by which
the State increases federal adjusted gross income in
the case of individuals or federal taxable income in
the case of corporations, estates and trusts under
section 5122; 5125, subsection 3; 5164; 5176; or 5200-A
or as otherwise indicated by law to the extent not
included in federal alternative minimum taxable income.

38 For corporations with income from business activity that is
taxable both inside and outside this State, "alternative
minimum taxable income" means federal alternative minimum
taxable income adjusted in accordance with subparagraphs 1,
2 and 3, the result of which is multiplied by the fraction
described in section 5211, subsection 8. For nonresident
estates and trusts with income derived from Maine sources,
"alternative minimum taxable income" means federal
alternative minimum taxable income adjusted in accordance
with subparagraphs 1, 2 and 3, the result of which is
multiplied by a fraction the numerator of which is the
taxpayer's alternative minimum taxable income from Maine

2 sources and the denominator of which is the taxpayer's total
alternative minimum taxable income from all sources.

4 C. "Exemption amount" means the applicable exemption as
provided by the Code, section 55(d) as of December 31,
2002. For purposes of calculating the phaseout provided by
the Code, section 55(d)(3), the alternative minimum taxable
income is the amount determined under paragraph B.

10 D. "Federal alternative minimum taxable income" means
alternative minimum taxable income determined in accordance
with the Code, sections 55(b)(2) and 59(c).

14 E. "Regular income tax" means:

16 (1) For resident individuals, estates and trusts, the
amount derived by multiplying the applicable tax rate
or rates by taxable income under section 5121 or
section 5163;

22 (2) For nonresident individuals, estates and trusts,
the amount derived by multiplying the applicable tax
rate or rates by taxable income under section 5121 or
section 5175, the result of which is adjusted for
nonresident individuals in accordance with section
5111, subsection 4; or

28 (3) for corporations, the amount derived by multiplying
the applicable tax rate or rates against Maine net
income under section 5102, subsection 8.

32 F. "Tentative minimum tax" means alternative minimum
taxable income less the applicable exemption amount,
multiplied by:

36 (1) Seven percent; plus

38 (2) Of the amount in excess of \$175,000, 0.6%.

40 For nonresident individuals, tentative minimum tax must be
adjusted in accordance with section 5111, subsection 4.

42 2. Tax imposed. In addition to all other taxes contained
in this Part, a tax in an amount equal to the alternative minimum
tax is imposed for each taxable year on the following taxpayers:

46 A. Resident individuals, trusts and estates;

48 B. Nonresident individuals, trusts and estates with
Maine-source income; and

2 C. Corporations required to file an income tax return under
4 this Part, excluding financial institutions subject to the
6 tax imposed by chapter 819 and persons not subject to the
8 federal alternative minimum tax under the Code, section
10 55(e).

12 3. Credit for tax paid to other taxing jurisdiction. A
14 resident individual, estate or trust is allowed a credit against
16 the tax otherwise due under this section for the amount of
18 alternative minimum tax imposed on that individual, estate or
20 trust for the taxable year by another state of the United States,
22 a political subdivision of any such state, the District of
24 Columbia or any political subdivision of a foreign country that
26 is analogous to a state of the United States with respect to
28 income derived from sources in that taxing jurisdiction also
30 subject to tax under this section. The credit for any of the
32 specified taxing jurisdictions may not exceed the proportion of
34 the tax otherwise due under this section that the amount of the
36 taxpayer's alternative minimum taxable income derived from
38 sources in that taxing jurisdiction bears to the taxpayer's
40 entire alternative minimum taxable income. When a credit is
42 claimed for alternative minimum taxes paid to both a state and a
44 political subdivision of that state, the total credit allowable
46 for those taxes in the aggregate may not exceed the proportion of
48 the tax otherwise due under this section that the amount of the
50 taxpayer's alternative minimum taxable income derived from
sources in the other state bears to the taxpayer's entire
alternative minimum taxable income.

4. Minimum tax credit. A minimum tax credit is allowed as
follows.

34 A. A minimum tax credit is allowed against the liability
36 arising under this Part for any taxable year, other than
38 withholding tax liability. The minimum tax credit equals
40 the excess, if any, of the alternative minimum tax, reduced
42 by the credit paid to other jurisdictions determined under
44 subsection 3, that was imposed for all prior taxable years
46 beginning after 2003 over the amount allowable as a credit
48 under this subsection for such prior taxable years, plus
50 unused minimum tax credits from years beginning after 1990.

44 B. The credit allowable for a taxable year under this
46 subsection is limited to the amount, if any, by which the
48 regular income tax after application of all other credits
50 arising under this Part exceeds the tentative minimum tax.

Sec. JJ-4. 36 MRSA §5217-A, as amended by PL 2003, c. 391,
§9, is further amended to read:

2 **§5217-A. Income tax paid to other taxing jurisdiction**

4 A resident individual is allowed a credit against the tax
6 otherwise due under this Part, excluding the tax imposed by
8 section 5202-A 5203-C, for the amount of income tax imposed on
10 that individual for the taxable year by another state of the
12 United States, a political subdivision of any such state, the
14 District of Columbia or any political subdivision of a foreign
16 country that is analogous to a state of the United States with
18 respect to income subject to tax under this Part that is derived
20 from sources in that taxing jurisdiction. In determining whether
22 income is derived from sources in another jurisdiction, the
24 assessor may not employ the law of the other jurisdiction but
26 shall instead assume that a statute equivalent to section 5142
28 applies in that jurisdiction. The credit, for any of the
30 specified taxing jurisdictions, may not exceed the proportion of
32 the tax otherwise due under this Part, excluding the tax imposed
34 by section 5202-A 5203-C, that the amount of the taxpayer's Maine
36 adjusted gross income derived from sources in that taxing
38 jurisdiction bears to the taxpayer's entire Maine adjusted gross
40 income; except that, when a credit is claimed for taxes paid to
42 both a state and a political subdivision of a state, the total
44 credit allowable for those taxes does not exceed the proportion
46 of the tax otherwise due under this Part, excluding the tax
48 imposed by section 5202-A 5203-C, that the amount of the
50 taxpayer's Maine adjusted gross income derived from sources in
the other state bears to the taxpayer's entire Maine adjusted
gross income.

30 **Sec. JJ-5. 36 MRSA §5219-H, sub-§1, ¶A,** as enacted by PL 1991,
32 c. 528, Pt. BBB, §2 and affected by Pt. RRR and enacted by c.
34 591, Pt. BBB, §2, is amended to read:

36 A. "Tax" means all taxes under this Part, including but not
38 limited to:

- 38 (1) All income taxes imposed by this Part;
- 40 (2) The minimum tax imposed by section 5202-A 5203-C;
42 and
- 44 (3) The tax surcharge imposed by section 5203-B; and

44 **Sec. JJ-6. 36 MRSA §5219-H, sub-§2, ¶A,** as enacted by PL 1991,
46 c. 528, Pt. BBB, §2 and affected by Pt. RRR and enacted by c.
48 591, Pt. BBB, §2, is amended to read:

50 A. "Tax liability" means the tax liability for all taxes
under that Part, including but not limited to:

- 2 (1) All income taxes imposed by this Part;
- 4 (2) The minimum tax imposed by section 5203-A 5203-C;
and
- 6 (3) The tax surcharge imposed by section 5203-B; and

8 **Sec. JJ-7. 36 MRSA §5219-N, sub-§2, ¶B**, as enacted by PL 1997,
10 c. 557, Pt. E, §1 and affected by §2 and Pt. G, §1, is amended to
read:

12 B. An individual who is subject to the state minimum tax
14 imposed by section 5203-A 5203-C.

16 **Sec. JJ-8. Application.** This Part applies to tax years
beginning on or after January 1, 2004.

18 **PART KK**

20 **Sec. KK-1. 36 MRSA §186**, as amended by PL 2001, c. 583, §9
22 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
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
42 commissioners of the departments by unanimous decision shall
employ a director of the center subject to the Civil Service
44 Law. The Commissioner of Environmental Protection shall
establish service level agreements with the departments and shall
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:

2 **Sec. FF-3. Transfer of funds.** Notwithstanding any other
3 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
5 2004-05 in savings from the Maine Environmental Protection Fund
6 Other Special Revenue Funds account in the Department of
7 Environmental Protection to the unappropriated surplus of the
8 General Fund no later than June 30, 2004 and June 30, 2005.

10 **Sec. LL-3. PL 2003, c. 451, Pt. FF, §4** is repealed.

12 **Sec. LL-4. Administrative Services Unit - ACE Cluster;**
13 **unencumbered balance forward.** Notwithstanding any other
14 provision of law, the State Controller is authorized to transfer
15 \$172,573 of the unencumbered balance forward in the
16 Administrative Services Unit - ACE Cluster, Other Special Revenue
17 Funds account in the Department of Environmental Protection to
18 the unappropriated surplus of the General Fund no later than June
19 30, 2004.

20 PART MM

22 **Sec. MM-1. 8 MRSA §372, sub-§2, ¶I,** as repealed and replaced
23 by PL 1993, c. 349, §23, is amended to read:

24 I. Carry on a continuous study and investigation of the
25 lotteries throughout the State and the operation and
26 administration of similar laws that may be in effect in
27 other states--~~or--countries~~ jurisdictions. The director,
28 subject to the prior approval of the commission, may enter
29 into a written agreement with a multijurisdictional lottery
30 association for the operation, marketing and promotion of a
31 joint lottery or joint lottery games with other
32 jurisdictions.

33 Any final agreement entered into with a multijurisdictional
34 lottery association must provide that the director has the
35 authority to terminate the agreement upon the provision of
36 reasonable notice, not to exceed 6 months. The final
37 agreement must further provide that the director may
38 terminate the agreement at any time, without prior notice,
39 in the event that the director's authority is withdrawn or
40 limited by law; and

42 PART NN

44 **Sec. NN-1. 22 MRSA §1717, sub-§1, ¶C,** as enacted by PL 1997,
45 c. 716, §1, is amended to read:

46 C. "Personal care agency" means a business entity or
47 subsidiary of a business entity that is not otherwise
48

2 licensed by the Division of Licensing and Certification and
3 that hires and employs unlicensed assistive personnel to
4 provide assistance with activities of daily living and
5 related tasks to individuals in the places in which they
6 reside, either permanently or temporarily. An individual
7 who hires and employs unlicensed assistive personnel to
8 provide care for that individual is not a personal care
9 agency, except when those services are subsidized with
10 public funds.

12 **Sec. NN-2. 22 MRSA §7250, sub-§4, ¶D and E,** as enacted by PL
13 2003, c. 483, §1, are amended to read:

14 D. A patient to whom a prescription is written, insofar as
15 the information relates to that patient; and

16 E. Office personnel or personnel of any vendor or
17 contractor, as necessary for establishing and maintaining
18 the program's electronic system; and

20 **Sec. NN-3. 22 MRSA §7250, sub-§4, ¶F** is enacted to read:

22 F. MaineCare pharmacy benefits personnel, or any designee
23 thereof, insofar as the information relates to a MaineCare
24 member.

26 PART OO

28 **Sec. OO-1. 5 MRSA §931, sub-§1, ¶L-3,** as amended by PL 2001,
29 c. 374, §2, is further amended to read:

30 L-3. The Executive Analyst of the Board of Environmental
31 Protection; and

32 **Sec. OO-2. 5 MRSA §931, sub-§1, ¶L-4,** as enacted by PL 2001,
33 c. 374, §3, is repealed.

34 **Sec. OO-3. 26 MRSA §962, sub-§7, ¶A,** as amended by PL 2001, c.
35 374, §6, is further amended to read:

36 A. Any officer, board, commission, council, committee or
37 other persons or body acting on behalf of:

38 (1) Any municipality or any subdivision of a
39 municipality;

40 (2) Any school, water, sewer, fire or other district;

41 (3) The Maine Turnpike Authority;

2 (4) Any board of directors functioning as a regional
intermediate education unit pursuant to Title 20-A,
4 section 7730;

6 (5) Any county or subdivision of a county;

8 (6) The Maine State Retirement System; or

10 (7) The Governor Baxter School for the Deaf; or

12 ~~(8) The Maine Military Authority; or~~

14 **Sec. OO-4. 37-B MRSA §105, first ¶**, as repealed and replaced by
PL 1993, c. 680, Pt. A, §32, is amended to read:

16 The Governor may create, organize, abolish or reorganize
18 staff sections that the Governor determines necessary to provide
for the National Guard and other state military forces, and the
20 Maine Military Authority and appoint staff officers necessary to
provide for the operation of the staff sections. Officers of
22 these those sections shall perform the duties required of them by
law and those other duties not inconsistent with the laws of the
24 State that correspond to the duties performed by officers in
corresponding staff sections in the federal military
26 establishment.

28 **Sec. OO-5. 37-B MRSA §157**, as enacted by PL 2001, c. 374,
§7, is repealed and the following enacted in its place:

30 **§157. Maine Military Authority Enterprise Fund**

32 **1. Maine Military Authority Enterprise Fund; established.**
34 The Maine Military Authority Enterprise Fund is established to
fund activities of the Maine Military Authority, established in
36 section 391, including, but not limited to, the following:

38 A. Operating the Maine Readiness Sustainment Maintenance
Center; and

40 B. Maintaining, rebuilding, repairing, storing and
42 manufacturing equipment for the following:

44 (1) The State and its political subdivisions;

46 (2) The United States Department of the Army,
Department of the Air Force, Department of the Navy and
48 Department of Homeland Security; and

2 (3) Foreign governments working in conjunction with
the foreign military sales program of the United States
4 Department of Defense.

6 **2. Maine Military Authority Enterprise Fund account.** The
Military Bureau shall establish, through the Bureau of Accounts
and Control, the Maine Military Authority Enterprise Fund
8 account. The funds deposited in the account include, but are not
limited to, the following:

10 A. Appropriations made to the account;

12 B. Funds transferred to the account from within the
14 department;

16 C. Funds received for the purposes stated in subsection 1,
18 paragraph B;

20 D. Earnings from the fund from the Treasurer of State's
22 cash pool; and

24 E. In accordance with applicable law, proceeds from the
sale of vehicles and equipment under the administrative
26 control of the Maine Military Authority by the state surplus
property program in the Bureau of General Services.

28 **3. Receive revenue; expend proceeds.** The Adjutant General
may receive operating revenues of the Maine Military Authority
30 and expend those proceeds in accordance with section 399.

32 **Sec. OO-6. 37-B MRSA §391**, as amended by PL 2003, c. 342,
§4, is repealed and the following enacted in its place:

34 **§391. Maine Military Authority established**

36 The Maine Military Authority is established within the
38 Executive Department.

40 **Sec. OO-7. 37-B MRSA §392, sub-§2**, as enacted by PL 2001, c.
374, §8, is repealed.

42 **Sec. OO-8. 37-B MRSA §393, sub-§§3 to 7**, as enacted by PL
2001, c. 374, §8, are amended to read:

44 **3. Accept financial assistance.** Accept, through the normal
budgetary process, financial assistance and in-kind assistance,
46 advances, loans, grants, gifts, contributions and other forms of
financial assistance from the Federal Government and the State
48 Government or its agencies, municipality municipalities or other
public body bodies or from other sources, public or private;
50

2 4. Provide money for upkeep. Provide from operating
3 revenues money for the maintenance, construction or
4 reconstruction of capital repair and replacement items as
5 necessary and approved by the Legislature;

6 5. Acquire property. Acquire for use by the authority real
7 or personal property or any interest in real or personal
8 property, including rights or easements, on either a temporary or
9 permanent basis, by gift, purchase, transfer, lease or otherwise,
10 subject to the approval of the Legislature;

11 6. Dispose of property. ~~Notwithstanding any other~~
12 ~~provision of~~ In accordance with applicable state law, hold, sell,
13 lease, rent or otherwise dispose of any real or personal
14 property, or any interest in real or personal property, and
15 release or relinquish any right, title, claim, lien, interest,
16 easement or demand however acquired, and these proceeds become
17 and remain operating revenues except that the Adjutant General
18 may not sell any interest in real property without following the
19 provisions of section 264;

20 7. Procure insurance. Procure insurance through the Risk
21 Management Division against any loss in connection with property
22 of the authority and other assets in amounts and from insurers
23 that the Adjutant ~~General considers desirable through the~~
24 ~~auspices of the Risk Management Division~~ Director of Risk
25 Management determines necessary or desirable to protect the State
26 from risks or losses; and

27 **Sec. OO-9. 37-B MRSA §394**, as enacted by PL 2001, c. 374,
28 §8, is amended to read:

29 **§394. Employees**

30 1. ~~Employees.~~ The Adjutant General may employ ~~an executive~~
31 ~~director, a general manager,~~ technical experts and other agents
32 and employees, permanent or temporary, for the authority.
33 ~~Employees of the authority are not~~ Such employees are subject to
34 the Civil Service Law.

35 2. **Service at pleasure of Adjutant General.** The executive
36 director and general manager serve at the pleasure of the
37 Adjutant General.

38 3. **Legal services.** The Office of the Attorney General
39 shall provide legal services for the authority, or, ~~at the~~
40 ~~discretion of the Adjutant General, the Adjutant General may use~~
41 ~~the services of those judge advocates of the Maine National Guard~~
42 ~~either on state active service or otherwise compensated by the~~

2 authority with the permission of the Adjutant General, retain
3 outside counsel.

4 4. **Establish positions.** By financial order the Adjutant
5 General may establish positions necessary to support the
6 operations of the Maine Readiness Sustainment Center in Limestone
7 or to maintain, repair, store and manufacture equipment under
8 section 157. A position that is established by financial order
9 to become permanent must be presented to the next session of the
10 Legislature through the normal budgetary process.

11 5. **Employee administration.** Notwithstanding the provisions
12 of Title 26, section 979-A, subsection 5 and consistent with the
13 overall objectives of the Governor, the Governor shall direct the
14 authority to develop and execute employee relations policies,
15 conduct negotiations with certified and recognized bargaining
16 agents for its employees and administer and interpret the
17 collective bargaining agreements applicable to the employees of
18 the authority consistent with procedures that now exist. As
19 consistent with the overall objectives of the Governor, the
20 Bureau of Employee Relations shall assist and advise the Governor
21 and the authority to ensure compliance with state and federal
22 labor and employment laws. Employees of the authority are
23 considered essential employees for the purpose of shutdown or
24 furlough days imposed on employees of the State.

25 **Sec. OO-10. 37-B MRSA §395**, as enacted by PL 2001, c. 374,
26 §8, is amended to read:

27 **§395. Books and records**

28 The Adjutant General shall ensure the accurate and timely
29 maintenance of books, records, accounts and other evidences of
30 the financial transactions of all the authority's activities in
31 accordance with accounting standards established by a
32 governmental accounting standards board and the State
33 Controller. Books and records must be open to inspection and
34 audit by the Maine National Guard, the State Auditor and the
35 Federal Government audit in conjunction with federal contracts,
36 agreements, grants or cooperative agreements but are otherwise
37 confidential and not subject to Title 1, chapter 13, subchapter I
38 1. The State Auditor shall periodically conduct an audit of the
39 financial records of the authority and report the results of the
40 audit to the Adjutant General, the State Controller, the Governor
41 and the Legislature. The Adjutant General may maintain the
42 required books, records, accounts and other evidences of the
43 financial transactions of all of the authority's activities or
44 enter into service agreements or contracts with departments and
45 agencies of State Government for that purpose.

2 **Sec. OO-11. 37-B MRSA §396**, as enacted by PL 2001, c. 374,
3 §8, is amended to read:

4 **§396. Budget**

6 The Adjutant General shall establish a budget for the
7 authority ~~and shall present that budget to the Governor and the~~
8 ~~Legislature. Budget development and presentation to the Governor~~
9 ~~and the Legislature must be in the form used by a body corporate~~
10 ~~and politic and an instrumentality of the State.~~

12 **Sec. OO-12. 37-B MRSA §398**, as enacted by PL 2001, c. 374,
13 §8, is repealed.

15 **Sec. OO-13. 37-B MRSA §399**, as enacted by PL 2001, c. 374,
16 §8, is amended to read:

18 **§399. Revenue**

20 Revenue generated by the authority must first be used to
21 support the operation of the authority, including segregation of
22 money for future capital repairs. ~~All other unexpended balances~~
23 ~~may At the close of the fiscal year, unreserved retained earnings~~
24 ~~as identified by the State Controller may be transferred at any~~
25 ~~time prior to the closing of the books to any other non-General~~
26 ~~Fund state account of an account established within the Military~~
27 ~~Bureau, including, but not limited to, to be used for capital~~
28 ~~repair repairs and maintenance of state armories and Maine~~
29 ~~National Guard tuition assistance.~~

31 **Sec. OO-14. Transition.** The following provisions apply to the
32 Maine Military Authority.

34 1. Classified and unclassified employees assigned to the
35 Maine Military Authority must be transferred to the Executive
36 Department.

38 2. All contracts, agreements and compacts to which the
39 Maine Military Authority is a party and that are in effect on the
40 effective date of this Part remain in effect until they expire or
41 are altered by the parties involved in the contracts, agreements
42 or compacts.

44 3. Commencing with the 2006-2007 fiscal biennium, the Maine
45 Military Authority shall submit a line category budget to the
46 Governor to be included in the unified biennial budget for all
47 state agencies that is submitted to the Legislature as a part of
48 the normal budgetary process.

2 4. Notwithstanding the Maine Revised Statutes, Title 5,
3 section 1585 or any other provision of law, the Maine Military
4 Authority may establish a head count of personnel and, upon the
5 recommendation of the State Budget Officer and approval of the
6 Governor, allot expenditures by financial order based on
7 estimated revenue in order to implement the provisions of this
8 Part. Furthermore, all accrued expenditures, assets,
9 liabilities, balances of appropriations, allocations, transfers,
10 revenues or other available funds in accounts or subdivisions of
11 accounts of the authority remain in those accounts. By January
12 30, 2005, the Governor shall submit to the Legislature a revised
13 and unified budgetary request by line category detailing the
14 anticipated revenues and expenditures for the fiscal year
15 commencing July 1, 2004.

17 5. The Bureau of Human Resources shall review the personnel
18 policies and practices of the Maine Military Authority for
19 consistency with the Civil Service Law. When the bureau has
20 determined that the policies and practices of the authority are
21 in compliance with the Civil Service Law, it shall authorize
22 administration of Civil Service and classification functions at
23 the authority to the extent the authority's actions are
24 consistent with applicable law and with any existing collective
25 bargaining agreement or practice.

26 The existing job titles in use at the authority must be
27 established within the state classification file, with
28 distinguishing class codes to be used solely by the authority.
29 New positions must be established through a process and
30 specifications must be written in a format mutually agreed upon
31 between the bureau and the authority in a manner consistent with
32 any existing collective bargaining obligation or practice.

34 6. Fringe benefits from current Maine Military Authority
35 employment of transferred personnel, including vacation and sick
36 leave, accrued seniority, health and life insurance and
37 retirement, remain with the transferred personnel. The rights
38 and benefits under statutes, rules and applicable collective
39 bargaining agreements in effect on the effective date of this
40 Part must be maintained for all personnel at the authority until
41 changed in accordance with applicable labor law principles. The
42 rights and benefits of personnel hired after the effective date
43 of this Part whose positions are included within a bargaining
44 unit are the same as those transferred employees once the newly
45 hired personnel are eligible employees under applicable law or
46 the applicable collective bargaining agreement. To the extent
47 permitted by law the authority shall bargain collectively with
48 its employees and administer any collective bargaining agreements.

7. All transferred employees who are represented by a bargaining agent on the effective date of this Part continue to be represented by that bargaining agent. Following the effective date of this Part, a petition for decertification or certification of a new bargaining agent may be filed in accordance with the Maine Revised Statutes, Title 26, chapter 9-B and the rules of the Maine Labor Relations Board.

8. The Department of Administrative and Financial Services shall assist the Maine Military Authority with the orderly implementation of these provisions.

PART PP

Sec. PP-1. 25 MRSA §2927, sub-§1-B, as amended by PL 2003, c. 359, §4, is further amended to read:

1-B. Statewide E-9-1-1 surcharge. The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service subscribers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. In the case of cellular or wireless telecommunications service subscribers, the place of residence of those subscribers must be determined according to the sourcing rules for mobile telecommunications services set forth in Title 36, section 1816. The statewide E-9-1-1 surcharge is ~~50¢~~ 57¢ per month per line or number. The statewide E-9-1-1 surcharge must be billed on a monthly basis by each local exchange telephone utility or cellular or wireless telecommunications service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill.

Sec. PP-2. 25 MRSA §2927, sub-§2-B, as amended by PL 2001, c. 439, Pt. EEEE, §7, is further amended to read:

2-B. Surcharge remittance. Each local exchange telephone utility and cellular or wireless telecommunications service provider shall remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to this section on a monthly basis and within one month of the month collected to the Treasurer of State ~~for deposit. Fifty cents of the revenues must be deposited~~ in a separate account known as the E-9-1-1 fund ~~and 7¢ of the revenues must be deposited in the General Fund.~~ Service providers shall provide, on a form approved by the bureau, supporting data, including but not limited to the following:

A. The calculation used to arrive at the surcharge remittance amount;

B. The calculation used to arrive at the uncollectible amount of surcharge;

C. The total surcharge;

D. The month and year for which surcharge is remitted;

E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; and

F. The preparer's name and telephone number.

PART QQ

Sec. QQ-1. 5 MRSA §12004-I, sub-§25-B, as enacted by PL 1997, c. 518, §1, is amended to read:

25-B.	Advisory	Net	10 MRSA
Finance	Committee on	Authorized	\$1079
	Family	<u>Expenses for</u>	
	Development	<u>members</u>	
	Accounts	<u>representing</u>	
		<u>account holders;</u>	
		<u>not authorized</u>	
		<u>for all other</u>	
		<u>members</u>	

Sec. QQ-2. 20-A MRSA §11619, as enacted by PL 2001, c. 70, §11 and affected by §13, is amended to read:

§11619. Reduction of institutional or other grant aid

A grant received by a student under this chapter may be 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.~~

Sec. QQ-3. 20-A MRSA §11620, as enacted by PL 2001, c. 70, §11, is repealed.

PART RR

2 **Sec. RR-1. 36 MRSA §1760, sub-§§86 and 87**, as enacted by PL
3 2003, c. 451, Pt. NNN, §3, are amended to read:

4 **86. Construction contracts with qualified development zone**
5 **businesses.** Beginning July 1, 2005 ~~2004~~, sales to a construction
6 contractor of tangible personal property that is to be physically
7 incorporated in, and become a permanent part of, real property
8 that is owned by or for sale to a qualified Pine Tree Development
9 Zone business, as defined in Title 30-A, section 5246, subsection
10 17, which real property will be used in the qualified business
11 activity, as defined in Title 30-A, section 5246, subsection 16,
12 of the qualified Pine Tree Development Zone business in a Pine
13 Tree Development Zone, as defined in Title 30-A, section 5246,
14 subsection 13. The exemption provided by this subsection is
15 limited to sales to a construction contractor occurring within a
16 period of 10 years from the date the qualified Pine Tree
17 Development Zone business receiving the property is certified
18 pursuant to Title 30-A, section 5250-B or until December 31,
19 2018, whichever occurs first.

20 **87. Sales of tangible personal property to qualified**
21 **development zone businesses.** Beginning July 1, 2005 ~~2004~~, sales
22 of tangible personal property to a qualified Pine Tree
23 Development Zone business, as defined in Title 30-A, section
24 5246, subsection 17, for use directly and primarily in one or
25 more qualified business activities, as defined in Title 30-A,
26 section 5246, subsection 16. The exemption provided by this
27 subsection is limited for each qualified Pine Tree Development
28 Zone business to sales occurring within a period of 10 years from
29 the date the business is certified pursuant to Title 30-A,
30 section 5250-B or until December 31, 2018, whichever occurs first.

31 **PART SS**

32 **Sec. SS-1. Sale of Payne Road bridge in Scarborough to Maine**
33 **Turnpike Authority.** The Department of Transportation acting by
34 and on behalf of the State is authorized to convey to the Maine
35 Turnpike Authority, and the Maine Turnpike Authority is
36 authorized to acquire from the State, the Payne Road bridge in
37 Scarborough for the sum of \$5,000,000 and on such other terms and
38 provisions as the Commissioner of Transportation and the members
39 of the Maine Turnpike Authority determine are reasonable or
40 necessary to effectuate the acquisition. The closing of this
41 transaction must be made prior to June 30, 2005. This section
42 takes effect 90 days after adjournment of the Second Special
43 Session of the 121st Legislature.

44 **Sec. SS-2. Transfer of funds; unallocated surplus Highway Fund to**
45 **unallocated surplus General Fund.** Notwithstanding any other
46 provision of law, at

2 the close of fiscal year 2004-05 the State Controller shall
3 transfer \$5,000,000 from the unallocated surplus of the Highway
4 Fund to the unappropriated surplus of the General Fund.

5 **Sec. SS-3. Transfer of Department of Transportation headquarters**
6 **building.** Notwithstanding any other provision of law, the
7 Department of Administrative and Financial Services, Bureau of
8 General Services shall convey, by financial order, the Department
9 of Transportation headquarters building to the Department of
10 Transportation.

11 **Sec. SS-4. Transition.** The Commissioner of Administrative and
12 Financial Services and the Commissioner of Transportation shall
13 determine the scope of services and responsibilities of each
14 department related to the management and support services
15 provided by each department with respect to the facilities
16 management of the Department of Transportation headquarters
17 building. The commissioners shall report to the joint standing
18 committee of the Legislature having jurisdiction over state and
19 local government matters by January 30, 2005 on the scope of
20 responsibilities assumed by each department with respect to the
21 management and oversight of the transportation headquarters
22 building property.

23 **Sec. SS-5. Budget adjustments.** The Commissioner of
24 Administrative and Financial Services and the Commissioner of
25 Transportation shall present any necessary budget adjustments
26 required for fiscal year 2004-05 related to the management and
27 operation of the transportation headquarters building property to
28 the First Regular Session of the 122nd Legislature.

29 **Sec. SS-6. Transfer of funds; Department of Transportation**
30 **headquarters building.** Notwithstanding any other provision of law,
31 at the close of fiscal year 2004-05 the State Controller shall
32 transfer \$6,400,000 from the unallocated surplus of the Highway
33 Fund to the unappropriated surplus of the General Fund to
34 reimburse the General Fund for costs and value associated with
35 the Department of Transportation headquarters building in Augusta.

36 **PART TT**

37 **Sec. TT-1. 4 MRSA §1057, sub-§2-A**, as amended by PL 2003, c.
38 20, Pt. R, §3, is further amended to read:

39 **2-A. Surcharge imposed.** A surcharge ~~Surcharges~~ of 14% and
40 5% must be added to every fine, forfeiture or penalty imposed by
41 any court in this State, which, for the purposes of collection
42 and collection procedures, is ~~are~~ considered a part of the fine,
43 forfeiture or penalty. ~~All-funds~~ The 14% surcharge collected as
44 a result of this surcharge subsection must be deposited monthly

2 in the Government Operations Surcharge Fund and the 5% surcharge
3 collected as a result of this subsection must be deposited
4 directly into the General Fund. Two-sevenths of the surcharge
5 collected and deposited in the Government Operations Surcharge
6 Fund must be paid to the Maine Criminal Justice Academy to
7 supplement current funds for training and recertification of
8 part-time and full-time law enforcement officers.

10 **Sec. TT-2. 4 MRSA §1057, sub-§3,** as amended by PL 1995, c.
11 668, §1, is further amended to read:

12 **3. Reimbursement to counties.** Monthly, the Treasurer of
13 State shall make payments from the Government Operations
14 Surcharge Fund to each county in the same proportion as the total
15 amount paid to that county from the total amount deposited into
16 the ~~fund~~ Government Operations Surcharge Fund during the fiscal
17 year ending June 30, 1991 bears to the total amount deposited
18 into the fund during the fiscal year ending June 30, 1991, except
19 that a county may not receive an amount greater than the prior
20 year's expenditures on its jail. The amount of total payments
21 made to counties must equal 2% of the total fines, forfeitures
22 and penalties, including this surcharge, received by the
23 Treasurer of State for deposit in the Government Operations
24 Surcharge Fund. The balance remaining in the Government
25 Operations Surcharge Fund at the end of each month must accrue to
26 the General Fund.

28 **Sec. TT-3. 29-A MRSA §2411, sub-§5,** as amended by PL 2001, c.
29 511, §3, is further amended to read:

30 **5. Penalties.** The following minimum penalties apply and
31 may not be suspended:

32 **A.** For a person having no previous OUI offenses within a
33 10-year period:

34 (1) A fine of not less than ~~\$400~~ \$500, except that if
35 the person failed to submit to a test, a fine of not
36 less than ~~\$500~~ \$600;

37 (2) A court-ordered suspension of a driver's license
38 for a period of 90 days; and

39 (3) A period of incarceration as follows:

40 (a) Not less than 48 hours when the person:

41 (i) Was tested as having a blood-alcohol
42 level of 0.15% or more;

2 (ii) Was exceeding the speed limit by 30
3 miles per hour or more;

4 (iii) Eluded or attempted to elude an
5 officer; or

6 (iv) Was operating with a passenger under 21
7 years of age; and

8 (b) Not less than 96 hours when the person failed
9 to submit to a test at the request of a law
10 enforcement officer;

11 **B.** For a person having one previous OUI offense within a
12 10-year period:

13 (1) A fine of not less than ~~\$600~~ \$700, except that if
14 the person failed to submit to a test at the request of
15 a law enforcement officer, a fine of not less than ~~\$800~~
16 \$900;

17 (2) A period of incarceration of not less than 7 days,
18 except that if the person failed to submit to a test at
19 the request of a law enforcement officer, a period of
20 incarceration of not less than 12 days;

21 (3) A court-ordered suspension of a driver's license
22 for a period of 18 months; and

23 (4) In accordance with section 2416, a court-ordered
24 suspension of the person's right to register a motor
25 vehicle;

26 **C.** For a person having 2 previous OUI offenses within a
27 10-year period:

28 (1) A fine of not less than ~~\$1,000~~ \$1,100, except that
29 if the person failed to submit to a test at the request
30 of a law enforcement officer, a fine of not less than
31 ~~\$1,300~~ \$1,400;

32 (2) A period of incarceration of not less than 30
33 days, except that if the person failed to submit to a
34 test at the request of a law enforcement officer, a
35 period of incarceration of not less than 40 days;

36 (3) A court-ordered suspension of a driver's license
37 for a period of 4 years; and

2 (4) In accordance with section 2416, a court-ordered
3 suspension of the person's right to register a motor
4 vehicle;

6 D. For a person having 3 or more previous OUI offenses
7 within a 10-year period, which is a Class C crime:

8 (1) A fine of not less than ~~\$2,000~~ \$2,100, except that
10 if the person failed to submit to a test at the request
11 of a law enforcement officer, a fine of not less than
12 ~~\$2,400~~ \$2,500;

14 (2) A period of incarceration of not less than 6
15 months, except that if the person failed to submit to a
16 test at the request of a law enforcement officer, a
17 period of incarceration of not less than 6 months and
18 20 days;

20 (3) A court-ordered suspension of a driver's license
21 for a period of 6 years; and

22 (4) In accordance with section 2416, a court-ordered
23 suspension of the person's right to register a motor
24 vehicle;

26 E. If a law enforcement officer failed to provide the
27 warnings required by section 2521, subsection 3, the
28 increase in minimum penalties required because of a refusal
29 to submit to a test is not mandatory;

32 F. For a person sentenced under paragraph B, C or D, the
33 court shall order the defendant to participate in the
34 alcohol and other drug program of the Department of
35 Behavioral and Developmental Services, Office of Substance
36 Abuse. The court may waive the program pursuant to Title 5,
37 section 20073-B, if the court finds that the defendant has
38 completed an alcohol or other drug treatment program
39 subsequent to the date of the offense; and

40 G. The court shall order an additional period of license
41 suspension of 275 days for a person sentenced under
42 paragraph A, B, C or D if the person was operating the motor
43 vehicle at the time of the offense with a passenger under 21
44 years of age.

46 **Sec. TT-4. 29-A MRSA §2411, sub-§5**, as amended by PL 2003, c.
47 452, Pt. Q, §§80 to 82 and affected by Pt. X, §2, is further
48 amended to read:

2 **5. Penalties.** Except as otherwise provided, violation of
3 this section is a Class D crime, which is a strict liability
4 crime as defined in Title 17-A, section 34, subsection 4-A. The
5 following minimum penalties apply and may not be suspended:

6 A. For a person having no previous OUI offenses within a
7 10-year period:

8 (1) A fine of not less than ~~\$400~~ \$500, except that if
10 the person failed to submit to a test, a fine of not
11 less than ~~\$500~~ \$600;

12 (2) A court-ordered suspension of a driver's license
13 for a period of 90 days; and

16 (3) A period of incarceration as follows:

18 (a) Not less than 48 hours when the person:

20 (i) Was tested as having a blood-alcohol
21 level of 0.15% or more;

22 (ii) Was exceeding the speed limit by 30
23 miles per hour or more;

26 (iii) Eluded or attempted to elude an
27 officer; or

28 (iv) Was operating with a passenger under 21
29 years of age; and

32 (b) Not less than 96 hours when the person failed
33 to submit to a test at the request of a law
34 enforcement officer;

36 B. For a person having one previous OUI offense within a
37 10-year period:

38 (1) A fine of not less than ~~\$600~~ \$700, except that if
40 the person failed to submit to a test at the request of
41 a law enforcement officer, a fine of not less than ~~\$800~~
42 \$900;

44 (2) A period of incarceration of not less than 7 days,
45 except that if the person failed to submit to a test at
46 the request of a law enforcement officer, a period of
47 incarceration of not less than 12 days;

48 (3) A court-ordered suspension of a driver's license
49 for a period of 18 months; and

2 (4) In accordance with section 2416, a court-ordered
4 suspension of the person's right to register a motor
vehicle;

6 C. For a person having 2 previous OUI offenses within a
8 10-year period:

10 (1) A fine of not less than ~~\$1,000~~ \$1,100, except that
12 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;

14 (2) A period of incarceration of not less than 30
16 days, except that if the person failed to submit to a
test at the request of a law enforcement officer, a
18 period of incarceration of not less than 40 days;

20 (3) A court-ordered suspension of a driver's license
for a period of 4 years; and

22 (4) In accordance with section 2416, a court-ordered
24 suspension of the person's right to register a motor
vehicle;

26 D. For a person having 3 or more previous OUI offenses
28 within a 10-year period, which is a Class C crime:

30 (1) A fine of not less than ~~\$2,000~~ \$2,100, except that
32 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;

34 (2) A period of incarceration of not less than 6
36 months, except that if the person failed to submit to a
test at the request of a law enforcement officer, a
38 period of incarceration of not less than 6 months and
20 days;

40 (3) A court-ordered suspension of a driver's license
for a period of 6 years; and

42 (4) In accordance with section 2416, a court-ordered
44 suspension of the person's right to register a motor
vehicle;

46 D-1. A violation of subsection 1-A, paragraph D is a Class
48 C crime, which is a strict liability crime as defined in
Title 17-A, section 34, subsection 4-A. The sentence must
50 include a period of incarceration of not less than 6 months,

2 a fine of not less than ~~\$2,000~~ \$2,100 and a court-ordered
4 suspension of a driver's license for a period of 6 years.
These penalties may not be suspended;

6 E. If a law enforcement officer failed to provide the
8 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;

10 F. For a person sentenced under paragraph B, C or D, the
12 court shall order the defendant to participate in the
alcohol and other drug program of the Department of
Behavioral and Developmental Services, Office of Substance
14 Abuse. The court may waive the program pursuant to Title 5,
16 section 20073-B, if the court finds that the defendant has
completed an alcohol or other drug treatment program
18 subsequent to the date of the offense; and

20 G. The court shall order an additional period of license
22 suspension of 275 days for a person sentenced under
paragraph A, B, C, D or D-1 if the person was operating the
24 motor vehicle at the time of the offense with a passenger
under 21 years of age.

26 **Sec. TT-5. 29-A MRSA §2412-A, sub-§3**, as amended by PL 1999,
c. 196, §3, is further amended to read:

28 **3. Minimum mandatory sentences for certain suspension.** If
30 the suspension was for OUI or an OUI offense, the court shall
impose a minimum fine of ~~\$500~~ \$600, a term of imprisonment of 7
32 consecutive days and a suspension of license of not less than one
year nor more than 3 years consecutive to the original
34 suspension. The penalties may not be suspended.

36 A. If the person has a prior conviction for violating this
38 section within a 10-year period and was subject to the
minimum mandatory sentences, then the following minimum
penalties, which may not be suspended by the court, apply in
40 the event the suspension was for OUI:

42 (1) A minimum fine of \$1,000, a term of imprisonment
of 30 consecutive days and a suspension of license for
44 not less than one year nor more than 3 years
consecutive to the original suspension in the event of
46 one prior conviction;

48 (2) A minimum fine of \$2,000, a term of imprisonment
of 60 consecutive days and a suspension of license for
not less than one year nor more than 3 years

consecutive to the original suspension in the event of 2 prior convictions; or

(3) A minimum fine of \$3,000, a term of imprisonment of 6 months and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 3 or more prior convictions. The sentencing class for this offense is a Class C crime.

B. For all other suspensions, the minimum fine for a first offense is ~~\$200~~ \$250, which may not be suspended by the court ~~if the person has a prior conviction for violating this section within a 10-year period.~~ The minimum fine for 2nd and subsequent offenses is \$500, which may not be suspended by the court.

A separate reading of the allegation and a separate trial are not required under this subsection.

Sec. TT-6. 29-A MRSA §2557, sub-§2, as amended by PL 1997, c. 476, §1, is further amended to read:

2. Offense; penalty. Violation of this section is:

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

B. A Class C crime if the person violates subsection 1 and:

(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.

PART UU

Sec. UU-1. PL 2003, c. 513, Pt. O, §1 amended to read:

Sec. O-1. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer up to \$10,000,000 in fiscal year 2003-04 from the Retiree Health Insurance Fund to the unappropriated surplus of the General Fund no later than June 30, 2004. On or after July 1, 2005 ~~2004~~, the

2 State Controller shall transfer \$10,000,000 along with interest
3 from the General Fund to the Retiree Health Insurance Fund as
4 repayment. The transfer is considered an interfund loan to be
5 repaid with interest of 8% compounded annually on the unpaid
6 balance.

8 PART VV

9 **Sec. VV-1. Position authorization.** Notwithstanding any other
10 provision of law, the Department of Public Safety is authorized
11 to establish 2 State Police Sergeant project positions to be
12 temporarily assigned to the Maine Criminal Justice Academy for
13 each training class.

14 **Emergency clause.** In view of the emergency cited in the
15 preamble, this Act takes effect when approved, except as
16 otherwise provided.

18 SUMMARY

19 This bill does the following.

21 PART A

22 Part A makes appropriations and allocations of funds.

24 PART B

25 Part B makes appropriations and allocations of funds for
26 approved reclassifications and range changes.

28 PART C

29 Part C does the following.

30 1. It authorizes the Commissioner of Administrative and
31 Financial Services to appoint an associate commissioner for
32 administrative services as a major-policy influencing position
33 within the Department of Administrative and Financial Services.

34 2. It amends Public Law 2003, chapter 20 as it relates to
35 positions established in Maine Revenue Services for the tax
36 amnesty and enforcement programs by removing the stipulation that
37 they are limited-period positions.

38 3. It amends the provisions of Public Law 2003, chapter 20
39 to clarify the lease-purchase language for Central Fleet
40 Management that applies for each year of the biennium.

41 4. It authorizes the State Budget Officer to transfer
42 savings resulting from the retirement incentive program from
43 General Fund and Other Special Revenue Fund accounts to the
44 General Fund Salary Plan account and from Highway Fund accounts
45 to the Highway Fund Salary Plan account.

46 5. It authorizes payment to be made to those employees in
47 the executive branch, departments of constitutional officers and
48 the Department of Audit who were denied merit increases in fiscal
49 year 2003-04.

50 6. It authorizes payment to be made to those institutional
51 services employees who would have been eligible to receive a step
52 increase from Step 6 to Step 7 during the period July 1, 2003 to
53 June 30, 2004.

54 7. It provides for the calculation and transfer of
55 statewide savings in the General Fund in the cost of health
56 insurance for fiscal year 2004-05 that are identified in Part A,
57 section 1.

58 8. It authorizes the allotment of funds in the Bureau of
59 Alcoholic Beverages and the Alcoholic Beverage Freight accounts
60 in the Department of Administrative and Financial Services to be
61 made by financial order during fiscal year 2004-05 upon the
62 request of the State Budget Officer and approval of the Governor.

63 9. It authorizes the Department of Administrative and
64 Financial Services to manage the State Retiree Health Insurance
65 Fund on a cost-reimbursement basis of funding and accounting
66 beginning June 30, 2005 and to calculate and return the amount of
67 the excess equity to each participating fund and ancillary group
68 contributing to the Retiree Health Insurance Fund, after
69 retaining a reasonable amount of working capital.

70 10. It authorizes the State Controller to recover, through
71 the state cost allocation program, \$915,640 associated with prior
72 years' payments by the General Fund to the Maine State Retirement
73 System.

74 11. It authorizes the State Controller to recover, through
75 the state cost allocation program, \$28,000 in fiscal year 2003-04
76 and \$142,000 in fiscal year 2004-05 associated with home land
77 security grant programs awarded to the Department of Defense,
78 Veterans and Emergency Management.

79 12. It authorizes the Department of Administrative and
80 Financial Services, Bureau of General Services to use funds no
81 longer required for the Thomaston State Prison demolition project

2 for the hazardous material abatement and removal and demolition
3 of the Caribou Armory.

4 **PART D**

6 Part D adopts federal law in effect prior to the Economic
7 Growth Tax Relief Reconciliation Act of 2001 for the Maine estate
8 tax for decedents dying after 2004. The bill does not address
9 estates of decedents dying in 2010 when the federal estate tax is
10 fully repealed, for that year only, along with the federal
11 determination of the value of the estate, upon which Maine relies
12 in its determination of the Maine estate tax.

14 **PART E**

16 Part E repeals the minimum taxability thresholds for
17 nonresident taxpayers.

18 **PART F**

20 Part F disallows the use of Maine credits against the Maine
21 minimum tax for tax years beginning after 2003.

24 **PART G**

26 Part G establishes criteria to disqualify certain
27 tax-motivated lease transactions from the credit transfer
28 provisions of the high-technology investment tax credit.

30 **PART H**

32 Part H lapses \$36,000 in the Pollution Control Structures
33 General Fund account in the Department of Agriculture, Food and
34 Rural Resources to the unappropriated surplus of the General Fund
35 in fiscal year 2003-04.

36 **PART I**

38 Part I does the following.

40 1. It amends the law as it relates to rulemaking for access
41 to home health care.

42 2. It amends the law on principles of reimbursement to
43 permit the establishment of cost caps in the intermediate care
44 facilities for the mentally retarded program.

46 3. It amends the law to allow the Commissioner of
47 Behavioral and Developmental Services to establish a retail store
48 at the Riverview Psychiatric Center with a nonlapsing account for
49 the funds associated with the retail store operation.
50

2 **PART J**

4 Part J does the following.

6 1. It amends the law relating to the use of the Boating
7 Facilities Fund in the Department of Conservation.

8 2. It repeals Part V of Public Law 2003, chapter 513, which
9 transferred funds from the Shore and Harbor Management Fund to
10 the General Fund.

12 3. It authorizes the State Controller to transfer
13 \$1,000,000 from the Boating Facilities Fund, Other Special
14 Revenue Funds account in the Department of Conservation to the
15 unappropriated surplus of the General Fund by June 30, 2004.

16 4. It authorizes the State Controller to transfer
17 \$1,000,000 from the Shore and Harbor Management Fund, Other
18 Special Revenue Funds account to the Boating Facilities Fund,
19 Other Special Revenue Funds account in the Department of
20 Conservation by June 30, 2004.

22 5. It requires that \$193,241 in the Division of Forest Fire
23 Control, General Fund - carrying account in the Department of
24 Conservation lapse to the unappropriated surplus of the General
25 Fund in fiscal year 2003-04.

28 **PART K**

30 Part K amends the law to specify that savings in health
31 insurance costs related to hospital rate adjustments do not apply
32 to fiscal year 2004-05.

34 **PART L**

36 Part L authorizes the Department of Corrections to enter
37 into a lease-purchase arrangement for the acquisition of
38 energy-savings equipment.

40 **PART M**

42 Part M does the following.

44 1. It amends the law related to the major policy-influencing
45 positions in the Department of Economic and Community Development.

46 2. It amends the law to establish the Office of Innovation
47 in the Department of Economic and Community Development and
48 reallocates statutory provisions related to the State's science
49
50

2 and technology plan and comprehensive research and development
2 evaluation to that office.

4 3. It moves the duties of the Maine Technology Institute
4 and the Applied Technology Development Centers to the Office of
6 Innovation.

8 4. It repeals the section of the statutes related to the
8 Maine Promotion Council Cooperative.

10 5. It repeals outdated duties of the Commissioner of
12 Economic and Community Development.

14 **PART N**

16 Part N does the following.

18 1. It amends the law to establish the maximum debt service
20 limits for school construction for 2008 and 2009.

22 2. It clarifies the lease-purchase language for the
24 replacement of Carpenter buses authorized by Resolve 2003,
chapter 92, Part B.

26 3. It specifies the general purpose aid for local schools
28 actual education certification and appropriation levels for
fiscal year 2004-05 as required by the Maine Revised Statutes,
Title 20-A, section 15605.

30 **PART O**

32 Part O authorizes encumbered balances for automating the
34 Department of Inland Fishers and Wildlife's licensing,
registration and permitting processes to carry forward until June
36 30, 2005.

38 **PART P**

40 Part P does the following.

42 1. It amends the law to authorize the Chief Justice of the
44 Supreme Judicial Court to use General Fund appropriations to
cover miscellaneous costs associated with the operation of the
deposited cash bail account.

46 2. It authorizes the Chief Justice to use \$23,000 of
48 current General Fund appropriations to cover a shortage in the
Judicial Department bail account.

50 **PART Q**

2 Part Q does the following.

4 1. It repeals those provisions of law related to the
Occupational Safety Loan Fund in the Department of Labor.

6 2. It provides for transfers of payments of outstanding
8 Occupational Safety Loan Fund loans from the Finance Authority of
Maine to the Safety Education and Training Fund in the Department
of Labor.

12 **PART R**

14 Part R amends the law as it relates to the borrowing
16 capacity of the Maine Maritime Academy.

18 **PART S**

20 Part S amends the law to move the State Nuclear Safety
22 Advisor position from the State Planning Office to the Office of
the Public Advocate.

24 **PART T**

26 Part T does the following.

28 1. It establishes the Maine Computer Crimes Task Force,
which was repealed January 1, 2004, and makes the reestablishment
retroactive to January 1, 2004.

30 **PART U**

32 Part U does the following.

34 1. It amends the law related to the Uniform Unclaimed
36 Property Act to establish the definition of "store-value card."

38 2. It amends the law to include a provision mandating that
40 records of the owner of store-value cards be maintained.

42 **PART V**

44 Part V does the following.

46 1. It authorizes the Department of Human Services and the
48 Department of Behavioral and Developmental Services to establish
separate categories of licensure for facilities providing private
nonmedical institutional services to MaineCare-eligible
individuals.

2 2. It enacts a 5% tax, effective July 1, 2004, on the value
3 of the following services provided in this State: extended cable
4 television services; fabrication services; video rentals;
5 rent-to-own services; telecommunications services; installation,
6 maintenance or repair of telecommunications equipment; and
7 private nonmedical institution services.

8 3. It provides that, if the seller of a taxable service
9 includes the tax on a customer's bill, it must be shown as a
10 separate line item and identified as a service provider tax.

11 4. It amends the sales tax law by removing from the tax
12 base those services that are subject to the newly enacted service
13 provider tax.

14 5. It provides that revenue sharing will continue with
15 respect to revenues derived from services currently covered by
16 the sales tax but covered as of July 1, 2004 by the service
17 provider tax.

18 **PART W**

19 Part W does the following.

20 1. It amends the law to authorize the Department of Human
21 Services to collect fees for researching its files for child
22 protective records and for providing child protective records to
23 licensing agencies, employers and other nongovernmental persons.

24 2. It amends the law to authorize the Department of Human
25 Services to adopt rules regarding the payment of fees and
26 provides that the fees be deposited in the General Fund.

27 **PART X**

28 Part X does the following.

29 1. It authorizes the Department of Human Services to
30 increase the maximum license fee from \$40 to \$100 for schools;
31 from \$10 to \$60 for each eating establishment in a municipality
32 authorized by the department to conduct such inspections; and
33 from \$125 to \$150 for other licensed establishments.

34 2. It requires the Department of Human Services to issue a
35 conditional license to a new applicant that does not meet the
36 regulations. The current language requires the department to
37 issue a conditional license to all applicants, even those that
38 are renewing.

39 3. It authorizes the Department of Human Services to
40 conduct rulemaking to require all licensed eating establishments
41 to employ at least one certified food protection manager no later
42 than January 1, 2007. The rules will establish different
43 categories for different eating places.

44 4. It authorizes the Department of Human Services to
45 increase the fines from \$50 to \$100 for each unresolved violation
46 and to increase the penalty for operating without a license from
47 an existing range of \$10 to \$100 to a new range of \$25 to \$200.

48 **PART Y**

49 Part Y amends the law to clarify the State's existing
50 authority to file a claim against the surviving spouse of a
51 MaineCare recipient.

52 **PART Z**

53 Part Z makes changes to the mandatory reporting requirements
54 for abuse and neglect consistent with changes recommended by the
55 United States Department of Health and Human Services,
56 Administration for Families and Children. It requires the
57 Department of Human Services to collect and investigate all
58 reports regarding infants born affected by substance abuse or
59 after prenatal exposure to drugs and to provide services to the
60 child and family that address that set of circumstances.

61 **PART AA**

62 Part AA does the following.

63 1. It redefines a mass outdoor gathering to include persons
64 staying, camping or otherwise temporarily residing on property
65 contiguous to the property of the event.

66 2. It authorizes the Department of Human Services to require
67 an application with a fee prior to reviewing and issuing a permit
68 to any mass outdoor gathering.

69 3. It requires any applicant to submit an application no
70 later than 120 days prior to the anticipated event and requires
71 the department to respond within 30 days. Final approval or
72 disapproval by the department must be not later than 30 days
73 prior to the event.

74 4. It clarifies the bonding requirement by specifically
75 allowing an applicant to obtain personal liability insurance for
76 such an event.

2 5. It authorizes the department to raise the permit fee from
3 \$100 to a maximum of \$750 and to include travel costs when
4 billing the applicant.

6 **PART BB**

8 Part BB amends the law to clarify MaineCare's authority to
9 include nonprobate assets in estate recovery, specifically those
10 in which the individual had any legal title or interest at the
11 time of death, including such assets conveyed through joint
12 tenancy, tenancy in common, survivorship, life estate, living
13 trust or other arrangement.

14 **PART CC**

16 Part CC amends the law to require that retail tobacco
17 licenses be renewed annually and directs the revenue to the
18 General Fund.

20 **PART DD**

22 Part DD does the following.

24 1. It amends the law to change the requirement mandating
25 that the MaineCare program provide dental services to adults 21
26 years of age and older.

28 2. It amends the law related to the medical eye care
29 program to redefine the income levels, copayment provisions and
30 conditions requiring coverage.

32 3. It authorizes unencumbered balances of funds in the
33 general assistance program in the Department of Human Services to
34 be carried forward each fiscal year to be used for the same
35 purposes.

36 4. It amends the law to provide the Department of Human
37 Services with access to information on real estate transfers for
38 the purpose of determining financial eligibility for MaineCare
39 services.

42 5. It authorizes the State Controller to accept fiscal year
43 2002-03 balances returned by providers as General Fund
44 unappropriated surplus in fiscal year 2004-05.

46 6. It authorizes the Commissioner of Human Services to make
47 changes in coverage and place limitations on the extent of
48 coverage for adults qualifying for MaineCare coverage.

2 7. It authorizes the Department of Human Services to
3 implement a retroactive rule to recover funds for return on
4 equity, previously allowable as an expense to nursing facilities.

6 8. It authorizes the Department of Human Services to
7 establish minimum record-keeping requirements for agencies
8 administering Temporary Assistance for Needy Families programs.

10 9. It specifies that \$1,100,000 of unencumbered balance
11 forward in fiscal year 2003-04 in the State Supplement to Federal
12 Supplemental Security Income, General Fund account in the
13 Department of Human Services lapses to the General Fund in fiscal
14 year 2003-04.

16 **PART EE**

18 Part EE amends the law to allow for a partial transfer of
19 funds from the General Fund to the Maine Clean Election Fund to
20 occur on September 1, 2004.

22 **PART FF**

24 Part FF amends the law to require group health insurance
25 policies and contracts, other than those covering employees of
26 employers with 20 or fewer employees, to provide coverage for
27 crisis and crisis residential services.

28 **PART GG**

30 Part GG amends the law to allow fees from borrow pits and
31 mining to be deposited in the Maine Environmental Protection Fund
32 consistent with the merger of the Borrow Pit Account into the
33 Maine Environmental Protection Fund as a subaccount in Part A of
34 the bill.

36 **PART HH**

38 Part HH does the following.

40 1. It amends the law to increase the allowable level of tax
41 that may be imposed on hospital net revenues up to but not
42 exceeding 2.03%.

44 2. It amends the law to allow hospitals to pay any tax
45 levied against them in 2 equal payments, one due in November and
46 the other due in May of the state fiscal year for which the tax
47 is being imposed.

48 **PART II**

2 Part II does the following.

4 1. It imposes a failure-to-file penalty for pass-through
4 entities required to file an information return.

6 2. It assesses a service fee on all pass-through entities
8 required to file with Maine Revenue Services. The fee is
10 assessed to cover processing, tax compliance, audit activities,
12 handling, storage, other administrative costs and revenues lost
14 because of noncompliance by members of pass-through entities.
16 Revenue generated by the service fee is not subject to the
18 calculation for determining the amount for the Local Government
20 Fund.

22 **PART JJ**

24 Part JJ does the following.

26 1. It amends the law to provide for a calculation of Maine
28 alternative minimum taxable income for purposes of imposing the
30 Maine alternative minimum tax and removes the inequity of having
32 artificially lower dividend and capital gains rates under the
34 Maine alternative minimum tax, but not for regular tax.

36 2. It changes the rate structure for the Maine alternative
38 minimum tax from a flat rate, 27%, applied to adjusted federal
40 minimum tax to a graduated rate applied to Maine alternative
42 minimum taxable income. The calculation maintains the exemption
44 amounts provided by the federal Internal Revenue Code effective
46 as of December 31, 2002.

48 **PART KK**

Part KK changes the calculation of the interest rate on
payments as well as refunds to that of the prime rate plus 3
percentage points, rather than the current formula of the prime
rate plus 2 percentage points. This change is effective July 1,
2004.

PART LL

Part LL does the following.

1. It implements the recommendations of a review of the
functions of the ACE Service Center to place the center under the
direct authority of the Commissioner of Environmental Protection.

2. It amends the law to increase the transfer from the
Maine Environmental Protection Fund in the Department of

Environmental Protection to the General Fund by \$2,500 each year
of the biennium.

3. It repeals the provision of law authorizing a transfer
from the State Revolving Fund account in the Department of
Environmental Protection to the General Fund.

4. It requires that \$172,573 of the unencumbered balance
forward in the Administrative Services Unit - ACE Cluster Other
Special Revenue Funds account in the Department of Environmental
Protection be transferred to the General Fund in fiscal year
2003-04.

PART MM

Part MM authorizes the Director of the Bureau of Alcoholic
Beverages and Lottery Operations within the Department of
Administrative and Financial Services to enter into an agreement
with a multijurisdictional lottery association to operate, market
and promote a joint lottery or lottery games.

PART NN

Part NN does the following.

1. It amends the definition of "personal care agency" to
include individuals who are managing their own services with
public funds.

2. It amends the Controlled Substances Prescription
Monitoring Program to allow staff managing the pharmacy benefit
within the Department of Human Services, Bureau of Medical
Services, or those designated to assist in the administration of
that benefit, to access prescription information regarding
individuals in MaineCare for the purposes of detecting and
preventing substance abuse.

PART OO

Part OO does the following.

1. It clarifies the administrative and financial
relationship between the Maine Military Authority and the State.

2. It requires the Maine Military Authority to preserve
existing terms and conditions of employment for employees of the
Maine Military Authority and the management practices relating to
the terms and conditions of their employment to the greatest
extent possible, consistent with the Civil Service Law and the
state employee laws governing labor relations.

2 3. It provides that employees who were hired after the
4 effective date of this bill have the same rights and benefits as
transferred employees.

6 4. It requires that agreements between the Maine Military
8 Authority and the bargaining agents in effect at the time of the
10 Authority's status change to an executive branch agency must be
maintained for bargaining unit personnel until changed in
accordance with applicable labor law principles.

12 **PART PP**

14 Part PP does the following.

16 1. It increases the statewide E-9-1-1 surcharge by 7¢.

18 2. It requires that the increased amount of the surcharge
20 be deposited in the General Fund.

22 **PART QQ**

24 Part QQ does the following.

26 1. It allows members of the Advisory Committee on Family
28 Development Accounts who represent account holders, who must be
individuals whose income is below 200% of the nonfarm income
official poverty line, to be paid for expenses.

30 2. It eliminates the repeal on the provision that allows an
32 institution to apply a Maine 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.

34 **PART RR**

36 Part RR changes the date that the sales tax exemption on
38 construction contractors and tangible personal property for Pine
40 Tree Development Zones would apply from July 1, 2005 to July 1,
2004.

42 **PART SS**

44 Part SS does the following.

46 1. It authorizes the Department of Transportation to sell
48 the Payne Road Bridge in Scarborough to the Maine Turnpike
Authority.

2 2. It authorizes the State Controller to transfer
4 \$5,000,000 from the unallocated surplus of the Highway Fund to
the unappropriated surplus of the General Fund at the close of
fiscal year 2004-05.

6 3. It transfers the Department of Transportation
8 headquarters building from the Department of Administrative and
Financial Services, Bureau of General Services to the Department
of Transportation.

10 4. It directs the Commissioner of Administrative and
12 Financial Services and the Commissioner of Transportation to
determine the scope of services and responsibilities of each
14 department and to report to the joint standing committees of the
Legislature having jurisdiction over appropriations and financial
16 affairs, transportation matters and state and local government
matters by January 30, 2005 with respect to the management and
18 oversight of the Department of Transportation headquarters
building property.

20 5. It directs the Commissioner of Administrative and
22 Financial Services and the Commissioner of Transportation to
present any necessary budget adjustments related to the
24 management and operation of the Department of Transportation
headquarters building property to the First Regular Session of
the 122nd Legislature.

26 6. It authorizes the State Controller to transfer
28 \$6,400,000 from the unallocated surplus of the Highway Fund to
30 the unappropriated surplus of the General Fund at the close of
fiscal year 2004-05.

32 **PART TT**

34 Part TT does the following.

36 1. It increases the surcharge on every fine, forfeiture and
38 penalty imposed by state courts and appropriates the money
generated by that increase to the General Fund.

40 2. It increases the minimum mandatory fine for suspensions
42 related to operating-under-the-influence offenses.

44 3. It increases and makes mandatory the minimum fine for
46 first-time operating-after-suspension offenses.

48 4. It imposes a new minimum fine for 2nd and subsequent
operating-after-suspension offenses.

5. It imposes a minimum fine for operating-after-revocation offenses.

6. It increases the minimum mandatory fines for operating-under-the-influence offenses.

PART UU

Part UU amends the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after July 1, 2004.

PART VV

Part VV authorizes the Department of Public Safety to establish 2 project State Police Sergeant positions to be temporarily assigned to the Maine Criminal Justice Academy for each training class.

FISCAL NOTE

UNDEDICATED REVENUE

	2003-04	2004-05	BIENNIUM
Part X, Section 1 Human Services, Department of		155,720	155,720
Part AA, Section 5 Human Services, Department of		7,250	7,250
Part CC, Section 1 Human Services, Department of		100,000	100,000
Part II, Section 1 Administrative and Financial Services, Department of		2,745,376	2,745,376
Part JJ, Section 1 Administrative and Financial Services, Department of		1,524,034	1,524,034
Part KK, Section 1 Administrative and Financial Services, Department of		474,500	474,500
Part MM, Section 1 Administrative and Financial Services, Department of		9,411,157	9,411,157
Part PP, Section 2 Public Utilities Commission		1,043,460	1,043,460
Part RR, Section 1 Administrative and Financial Services, Department of		(271,111)	(271,111)
Part TT, Section 1 Judicial Department		768,750	768,750
Part TT, Section 2 Judicial Department		278,349	278,349
Part TT, Section 3 Judicial Department		754,685	754,685
Part TT, Section 4 Judicial Department		349,289	349,289
Total	302,090	25,683,786	25,985,876

**ADJUSTMENTS TO BALANCE
General Fund Unappropriated Surplus**

	2003-04	2004-05	BIENNIUM
Part C, Section 14 Administrative and Financial Services, Department of		38,500,000	38,500,000
Part H, Section 1 Agriculture, Food and Rural Resources, Department of	36,000		36,000
Part J, Section 2 Conservation, Department of	(1,000,000)		(1,000,000)
Part J, Section 3 Conservation, Department of	1,000,000		1,000,000
Part J, Section 5 Conservation, Department of	193,241		193,241
Part DD, Section 5 Human Services, Department of		177,232	177,232
Part DD, Section 9 Human Services, Department of	1,100,000		1,100,000
Part LL, Section 2 Environmental Protection, Department of	2,500	2,500	5,000
Part LL, Section 3 Environmental Protection, Department of	(2,500)	(2,500)	(5,000)
Part LL, Section 4 Environmental Protection, Department of	172,573		172,573
Part SS, Section 2 Statewide Activities		5,000,000	5,000,000
Part SS, Section 6 Statewide Activities		6,400,000	6,400,000

FISCAL NOTE

ADJUSTMENTS TO BALANCE

General Fund Unappropriated Surplus

	2003-04	2004-05	BIENNIUM
Part UU, Section 1 Administrative and Financial Services, Department of		(10,066,667)	(10,066,667)
Part WW, Section 2 Administrative and Financial Services, Department of		(3,359,705)	(3,359,705)
Total	1,501,814	36,650,860	38,152,674

ADJUSTMENTS TO BALANCE

Highway Fund Unallocated Surplus

	2003-04	2004-05	BIENNIUM
Part C, Section 14 Administrative and Financial Services, Department of		12,500,000	12,500,000
Part SS, Section 2 Statewide Activities		(5,000,000)	(5,000,000)
Part SS, Section 6 Statewide Activities		(6,400,000)	(6,400,000)
Total		1,100,000	1,100,000