

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT 'CC' to COMMITTEE AMENDMENT "A" to H.P. 343, L.D. 468, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007"

Amend the amendment by striking out all of the emergency preamble.

Further amend the amendment in Part U in section 1 in the indented paragraph in the 2nd line (page 229, line 3 in amendment) by striking out the following: "1991-92" and inserting in its place the following: '1991-92 2005-06'

Further amend the amendment in Part PP in section 1 by striking out all of the first 2 lines (page 277, lines 27 to 29 in amendment) and inserting in their place the following:

'Sec. PP-1. 5 MRSA c. 165 is enacted to read:

CHAPTER 165'

Further amend the amendment in Part PP in section 1 in that part designated "§2001." by striking out all of the first line (page 277, line 33 in amendment) and inserting in its place the following:

'§2031. Pharmaceutical Cost Management Council'

Further amend the amendment in Part PP in section 2 in subsection 14-E in the 2nd line (page 279, line 44 in amendment)

HOUSE AMENDMENT 'CC' to COMMITTEE AMENDMENT "A" to H.P. 343, L.D.
468

2 by striking out the following: "§2001" and inserting in its place
the following: '§2031'

4 Further amend the amendment in Part SS by inserting after
section 1 the following:

6 '**Sec. SS-2. 2 MRSA §6, sub-§3**, as repealed and replaced by PL
8 1999, c. 259, §2, is amended to read:

10 **3. Range 89.** The salaries of the following state
officials and employees are within salary range 89:

12 Director, Bureau of General Services;

14 Director, Bureau of Alcoholic Beverages and Lottery
16 Operations;

18 State Budget Officer;

20 State Controller;

22 Director of the Bureau of Forestry;

24 Chief of the State Police;

26 Director, State Planning Office;

28 Director, Energy Resources Office;

30 Director of Human Resources;

32 Director, Bureau of Children with Special Needs;

34 Commissioner of Defense, Veterans and Emergency Management;

36 Director, Bureau of Parks and Lands; and

38 ~~Director, Bureau of Information Services; and~~

40 Director of Econometric Research.'

42 Further amend the amendment in Part AAA by striking out all
of sections 1, 2 and 3 and inserting in their place the following:

44 '**Sec. AAA-1. 29-A MRSA §2081, sub-§2**, as amended by PL 2001,
46 c. 585, §2 and affected by §6, is further amended to read:

48 **2. Children under 40 pounds.** When a child who weighs less
than 40 pounds is being transported in a motor vehicle that is
50 required by the United States Department of Transportation to be

2 equipped with safety seat belts, the operator must have the child
3 properly secured in accordance with the manufacturer's
4 instructions in a child safety seat. Violation of this
5 subsection is a traffic infraction for which a fine of \$50 for
6 the first offense, \$125 for the 2nd offense and \$250 for the 3rd
7 and subsequent offenses must be imposed. A fine imposed under
8 this subsection may not be suspended by the court.

9 **Sec. AAA-2. 29-A MRSA §2081, sub-§3**, as amended by PL 2003,
10 c. 380, §§2 and 3 and affected by §5, is further amended to read:

11 **3. Passengers less than 18 years of age.** Except as
12 provided in subsection 2, the following provisions apply to
13 passengers less than 18 years of age riding in a vehicle that is
14 required by the United States Department of Transportation to be
15 equipped with seat belts. Violation of this subsection is a
16 traffic infraction for which a fine of \$50 for the first offense,
17 \$125 for the 2nd offense and \$250 for the 3rd and subsequent
18 offenses must be imposed. A fine imposed under this subsection
19 may not be suspended by the court.

20
21 A. The operator shall ensure that a child who weighs at
22 least 40 pounds but less than 80 pounds and who is less than
23 8 years of age is properly secured in a federally approved
24 child restraint system. Nonprofit, municipal or contracted
25 transportation service providers are exempt from this
26 paragraph until February 1, 2005, except that the operator
27 shall ensure that the child is properly secured in a seat
28 belt.

29 B. The operator shall ensure that a child who is less than
30 18 years of age and at least 8 years of age or who is less
31 than 18 years of age and more than 4 feet, 7 inches in
32 height is properly secured in a seat belt.

33 C. The operator shall ensure that a child who is less than
34 12 years of age and who weighs less than 100 pounds is
35 properly secured in the rear seat of a vehicle, if possible.

36
37 **Sec. AAA-3. 29-A MRSA §2081, sub-§3-A**, as amended by PL 1997,
38 c. 450, §2, is further amended to read:

39 **3-A. Other passengers 18 years of age and older;**
40 **operators.** When a person 18 years of age or older is a passenger
41 in a vehicle that is required by the United States Department of
42 Transportation to be equipped with seat belts, the passenger must
43 be properly secured in a seat belt. Each such passenger is
44 responsible for wearing a seat belt as required by this
45 subsection, and a passenger that fails to wear a seat belt as
46 required by this subsection is subject to the enforcement
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2 provisions of subsection 4. The operator of a vehicle that is
3 required by the United States Department of Transportation to be
4 equipped with seat belts must be secured in the operator's seat
5 belt. Violation of this subsection is a traffic infraction for
6 which a fine of \$50 for the first offense, \$125 for the 2nd
7 offense and \$250 for the 3rd and subsequent offenses must be
8 imposed. A fine imposed under this subsection may not be
9 suspended by the court.'

10 Further amend the amendment in Part DDD in section 17 in the
11 last line (page 340, line 47 in amendment) by striking out the
12 following: "transactions occurring" and inserting in its place
13 the following: 'assets received by the MaineCare recipient's
14 spouse or child'

15 Further amend the amendment in Part III by striking out all
16 of section 40.

17 Further amend the amendment in Part III by striking out all
18 of section 47.

19 Further amend the amendment in Part OOO by striking out all
20 of section 1.

21 Further amend the amendment in Part OOO in section 2 in the
22 4th line (page 367, line 4 in amendment) by striking out the
23 following: "shall" and inserting in its place the following: 'may'

24 Further amend the amendment in Part OOO in section 2 in
25 subsection 1 in the first line (page 367, line 8 in amendment) by
26 striking out the following: "shall evaluate" and inserting in its
27 place the following: 'may evaluate any one or more of'

28 Further amend the amendment in Part OOO in section 2 in
29 subsection 2 by striking out all of paragraphs D to F (page 368,
30 lines 22 to 33 in amendment) and inserting in their place the
31 following:

32 'D. What additional data should be collected regarding the
33 various programs and to whom the data should be reported; and

34 E. Whether additional methods of accountability are needed
35 in the program.'

36 Further amend the amendment in Part OOO in section 2 in
37 subsection 3 in the 2nd and 3rd lines (page 368, lines 40 and 41
38 in amendment) by striking out the following: "no later than
39 January 15, 2006"

2 Further amend the amendment in Part JJJJ by striking out all
of section 1.

4 Further amend the amendment by inserting after Part PPPP the
following:

6
8 **PART QQQQ**

10 **Sec. QQQQ-1. 20-A MRSA §3252, sub-§4-A** is enacted to read:

12 4-A. Targeted funds. In addition to tuition rates
14 calculated pursuant to chapter 219, targeted funds for each
16 student in the unorganized territory must be paid to the school
18 administrative unit or private school approved for tuition
20 purposes that a student attends. For purposes of this
22 subsection, "targeted funds" means those funds identified under
24 essential programs and services for technology, assessment and
26 kindergarten to grade 2 pursuant to section 15671, subsection 6
28 and section 15681.

30 **Sec. QQQQ-2. 20-A MRSA §3253-A, sub-§3-A** is enacted to read:

32 3-A. Targeted funds. In addition to tuition rates
34 calculated pursuant to chapter 219, targeted funds for each
36 student in the unorganized territory must be paid to the school
38 administrative unit or private school approved for tuition
40 purposes that a student attends. For purposes of this
42 subsection, "targeted funds" means those funds identified under
44 essential programs and services for technology, assessment and
46 kindergarten to grade 2 pursuant to section 15671, subsection 6
and section 15681.

Sec. QQQQ-3. Appropriations and allocations. The following
appropriations and allocations are made.

36 **EDUCATION, DEPARTMENT OF**

38 **Education in the Unorganized Territory 0220**

40 Initiative: Appropriates funds for the additional cost of
42 providing targeted funds, identified under essential programs and
44 services for technology, assessment and kindergarten to grade 2,
to the school administrative unit or private school that each
student from the unorganized territory attends.

46 **GENERAL FUND** **2005-06** **2006-07**

2	All Other	\$412,600	\$437,356
4	GENERAL FUND TOTAL	<u>\$412,600</u>	<u>\$437,356'</u>

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

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

12
14

SUMMARY

16 This amendment strikes the emergency preamble and the emergency clause.

18 This amendment changes a date in Part U to correspond to changes made to the law.

20 This amendment amends Part PP to correct a chapter number and a section number to avoid a conflict.

24 This amendment adds a section inadvertently left out of Part SS.

26 This amendment amends Part AAA and removes the provision that imposes a \$10 fee on nonmotorized watercraft such as rowboats, canoes and kayaks. The amendment also changes the fines for failure to wear a seat belt or to properly secure a child in a vehicle from a minimum and maximum fine to a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for a 3rd or subsequent offense.

34 This amendment also amends language to clarify the application provision in Part DDD.

38 This amendment eliminates in Part III the nonconsumption user permit study by the Department of Inland Fisheries and Wildlife and the Department of Conservation.

42 This amendment strikes that section of Part OOO that authorizes the Office of Program Evaluation and Government Accountability to examine certain personnel issues. This amendment also authorizes, rather than requires, the Office of Program Evaluation and Government Accountability to review the programs specified in Part OOO, section 2, strikes the requirement that the committee review whether the public benefit of the program justifies the public expense and removes the reporting date.

2 This amendment also strikes duplicative language contained
4 in Part JJJJ, section 1.

6 This amendment adds Part QQQQ and provides that targeted
8 funds, identified under essential programs and services for
10 technology, assessment and kindergarten to grade 2, be paid to
12 the school administrative unit or private school that each
14 student from the unorganized territory attends in addition to
16 tuition rates calculated pursuant to the Maine Revised Statutes,
18 Title 20-A, chapter 219.

14 **FISCAL NOTE REQUIRED**
16 **(See attached)**

18 SPONSORED BY:

20 (Representative BRANNIGAN)

22 TOWN: Portland

24



122nd MAINE LEGISLATURE

LD 468

LR 2149(05)

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

Fiscal Note for House Amendment " " to Committee Amendment " A "

Sponsor: Rep. Brannigan

Fiscal Note Required: Yes

Fiscal Note

Contingent on effective date

	2005-06	2006-07
Net Cost (Savings)		
General Fund	\$1,367,999	\$2,062,999
Appropriations/Allocations		
General Fund	\$412,600	\$437,356
Revenue		
General Fund	(\$955,399)	(\$1,625,643)

Fiscal Detail and Notes

This amendment will increase the General Fund cost of the bill by \$1,367,999 in fiscal year 2005-06 and \$2,062,999 in fiscal year 2006-07. Based on the estimated year-end balances, this amendment maintains a balanced budget for the 2006-2007 biennium.

This amendment also removes the emergency preamble and the emergency clause of the bill, making it effective 90 days after adjournment of the 122nd Legislature's First Regular Session. If this legislation becomes effective on or before June 30, 2005 the fiscal impact is minor. If this legislation takes effect on July 1, 2005 the loss to the General Fund is estimated to be \$2,291,663. If this legislation becomes effective after July 1, 2005 no spending authority will be in force from July 1, 2005 until the effective date. The fiscal impact will depend on the extent of the delay to the effective date and that fiscal impact cannot be determined at this time.