

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1311

H.P. 909

House of Representatives, March 15, 2005

An Act To Preserve the Integrity of the Fund for a Healthy Maine

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CUMMINGS of Portland.
Cosponsored by Senator BRENNAN of Cumberland and
Representatives: BOWLES of Sanford, DUPLESSIE of Westbrook, Speaker RICHARDSON
of Brunswick, TARDY of Newport, Senators: President EDMONDS of Cumberland,
GAGNON of Kennebec, WESTON of Waldo.

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

4
6 **Whereas,** when the Fund for a Healthy Maine was created, it
was intended that the money would be used to address the public
health crisis created by smoking, as well as several other
8 health-related problems that Maine faces; and

10 **Whereas,** in spite of that intention, over \$93,000,000 has
already been diverted to the General Fund to help fill budget
12 gaps; and

14 **Whereas,** it is critically important that Fund for a Healthy
Maine revenue be allocated only for the disease prevention and
16 health promotion purposes for which it was intended; and

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

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

26 **Sec. 1. 22 MRSA §1511, sub-§6-A** is enacted to read:

28 6-A. Allocation requiring separate measures. An allocation
must be made in a separate measure and not part of a biennial,
30 supplemental or emergency budget bill whenever:

32 A. Unallocated funds are transferred out of the fund to the
General Fund;

34 B. An allocation from the fund is increased for a program
in order to reduce that program's funding from a source
36 other than the fund;

38 C. Funding is deallocated from one program that receives
allocations from the fund and allocated to another program
40 that receives allocations from the fund, in order to reduce
the funding from a source other than the fund of the 2nd
42 program;

44 D. A program that is currently funded only by sources other
than the fund becomes a program funded, in whole or in part,
46 by allocations from the fund; and

48

2 E. A new program receives allocations from the fund in
3 whole or in part.

4 **Emergency clause.** In view of the emergency cited in the
5 preamble, this Act takes effect when approved.

6

8

SUMMARY

10 This bill requires that in certain circumstances allocations
11 from the Fund for a Healthy Maine be voted on in separate
12 legislation.