

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

PART GG

Sec. GG-1. Reorganization of accounts in the Department of Education.

Notwithstanding any other provision of law, the State Budget Officer in cooperation with the Commissioner of Education may create programs and accounts in fiscal year 2008-09 for the purpose of reorganizing accounts to improve the financial management and reporting of funds in the Department of Education. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, appropriations, allocations and positions in the Department of Education may be transferred by financial order between accounts in the same fund in fiscal year 2008-09 upon the recommendation of the State Budget Officer and approval of the Governor in order to implement improvements in the financial management and reporting of funds in the Department of Education. These transfers are considered adjustments to appropriations, allocations and positions in fiscal year 2008-09. The Commissioner of Education and the State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs reports of the transfers no later than January 15, 2009.

PART HH

Sec. HH-1. 22 MRSA §3194 is enacted to read:

§3194. Report on cost of dispensing medication

The Office of MaineCare Services within the department shall biennially review and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the cost of dispensing a medication in the State. By July 1st of each even-numbered year, the Office of MaineCare Services shall consider adjusting, through MaineCare rule amendment, the MaineCare pharmacy professional fee to reflect the cost of dispensing a medication in the State.

Sec. HH-2. MaineCare pharmacy professional fees. The Department of Health and Human Services, Office of MaineCare Services shall:

1. After implementation by the federal Centers for Medicare and Medicaid Services of the federal regulations setting new average manufacturer-price-based federal upper limits pursuant to the federal Deficit Reduction Act of 2005, review the projected impact of those regulations for fiscal years 2007-08 and 2008-09 on MaineCare pharmacy reimbursement for multiple source drugs. Within 90 days of implementation, the department shall report on the review to the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

2. Within 15 days of the department's submitting the report under subsection 1 to the joint standing committee of the Legislature having jurisdiction over health and human services matters, adopt emergency rules that use any savings accruing to the MaineCare program from the new average manufacturer-price-based federal upper limits to adjust

1 the professional fee paid to licensed pharmacies for dispensing multiple source drugs to
2 MaineCare members. The purpose of this adjustment is to compensate pharmacies in the
3 State for reimbursement projected to be lost throughout fiscal years 2007-08 and 2008-09
4 as a result of the new federal upper limits on MaineCare payments to pharmacies for
5 multiple source drugs.

6 **PART II**

7 **Sec. II-1. Transfer of funds from Bureau of Revenue Services Fund.**

8 Notwithstanding any other provision of law, the State Controller shall transfer \$120,000
9 by June 30, 2008 and \$200,000 by June 30, 2009 from the Bureau of Revenue Services
10 Fund in the Department of Administrative and Financial Services to the unappropriated
11 surplus of the General Fund.

12 **PART JJ**

13 **Sec. JJ-1. 4 MRSA §4, sub-§3, ¶A**, as enacted by PL 1983, c. 853, Pt. C, §§4
14 and 18, is amended to read:

15 A. Each justice shall must be reimbursed by the State, upon presentation to the
16 State Controller of a detailed statement, for those expenses, as established by judicial
17 branch policy, actually and reasonably incurred in attending meetings and the
18 sessions of the court and the Law Court. ~~When any justice of the court holds nisi~~
19 ~~prius terms of the Superior Court in any town other than the town in which he resides,~~
20 ~~or when hearing of any court matter is had before a Justice of the Supreme Judicial~~
21 ~~Court or the Superior Court other than one residing in the town where the hearing is~~
22 ~~had, that justice shall be reimbursed by the State, upon presentation to the State~~
23 ~~Controller of a detailed statement, for the expenses actually and reasonably incurred~~
24 ~~in holding the terms or in attending the hearing. Reimbursement for mileage must be~~
25 ~~paid at the rate paid state employees under Title 5, section 8.~~

26 **Sec. JJ-2. 4 MRSA §157, sub-§5**, as repealed and replaced by PL 1983, c. 863,
27 Pt. B, §§7 and 45, is amended to read:

28 **5. Expenses.** Each judge shall must be reimbursed by the State, upon presentation to
29 the State Controller of a detailed statement, for those expenses ~~approved by the Chief~~
30 ~~Judge as actually and reasonably incurred in the performance of his duties as established~~
31 by judicial branch policy, actually and reasonably incurred in attending meetings and
32 sessions of the court. Reimbursement for mileage must be paid at the rate paid state
33 employees under Title 5, section 8.

34 **Sec. JJ-3. 4 MRSA §653** is amended to read:

35 **§653. Authentication of evidence**

36 In all cases coming before the ~~law court~~ Law Court from the Supreme Judicial Court
37 or from the Superior Court in which a copy of the evidence is required by statute, rule of
38 court or order of the presiding justice, a certificate signed by the Official Court Reporter
39 or a transcriber of an electronically recorded record, stating that the report furnished by
40 ~~him~~ the reporter or transcriber is a correct transcript of ~~his~~ the reporter's stenographic

1 notes or the electronically recorded record of the testimony and proceedings at the trial of
2 the cause, ~~shall be~~ is a sufficient authentication ~~thereof~~ of the reporter's stenographic
3 notes or the electronically recorded record without the signature of the presiding justice.

4 **Sec. JJ-4. 4 MRSA §655** is amended to read:

5 **§655. Testimony proved by certified copy of notes or transcript of former testimony**

6 Whenever it becomes necessary in any court in the State to prove the testimony of a
7 witness at the trial of any former case in any court in the State, the certified copy of the
8 notes of such testimony, taken by the Official Court Reporter at the court where ~~said~~ the
9 witness testified, or the transcript created by a transcriber of the electronically recorded
10 record made at the court where the witness testified, is evidence to prove the ~~same~~
11 witness's testimony.

12 **Sec. JJ-5. 4 MRSA §656** is amended to read:

13 **§656. Stenographic reports, transcripts taxed in bill of costs**

14 Any amount legally chargeable by Official Court Reporters for writing out their
15 reports or for transcribers for creating transcripts from the electronically recorded records
16 for use in civil actions and actually paid by either party whose duty it is to furnish ~~them~~
17 the reports or records may be taxed in the bill of costs and allowed against the losing
18 party, as is ~~now~~ allowed for copies, if furnished by the clerk.

19 **Sec. JJ-6. 15 MRSA §454**, as amended by PL 1979, c. 663, §91, is further
20 amended to read:

21 **§454. Murder or felony murder; filing copies of proceedings; expenses**

22 Whenever any person is convicted of murder or felony murder, a copy of the Maine
23 Rules of Criminal Procedure, Rule 11, if applicable, trial testimony and charge of the
24 presiding justice, certified by the Official Court Reporter who created a transcript of the
25 reporter's stenographic notes or the transcriber who created a transcript from the
26 electronically recorded record, shall must be filed with the clerk of the court where that
27 trial is held, and the expense ~~thereof shall~~ for the transcript must be paid by the State. A
28 copy of the Maine Rules of Criminal Procedure, Rule 11, if applicable, trial testimony
29 and charge of the presiding justice, certified by the Official Court Reporter who created a
30 transcript of the reporter's stenographic notes or the transcriber who created a transcript
31 from the electronically recorded record, shall must be furnished by the clerk of court to
32 the Secretary of State at no charge for use in any pardon hearing before the Governor,
33 when the individual is indigent.

34 **Sec. JJ-7. 16 MRSA §251, first ¶**, as amended by PL 1985, c. 384, §6, is further
35 amended to read:

36 Witnesses, other than law enforcement officers testifying in their official capacity, in
37 the Supreme Judicial Court, the Superior Court, the District Court or in the Probate Court,
38 unless the court ~~shall~~ otherwise ~~order~~ orders, shall must receive \$10, and before referees,
39 auditors or commissioners specially appointed to take testimony or special commissioners
40 on disputed claims appointed by Probate Courts, \$10, or before the county
41 commissioners, \$10 for each day's attendance and 22¢ a mile for each mile's travel going

1 and returning home. The party calling the witness shall pay the witness. Payments made
2 under this section to witnesses called on behalf of the State must be made from the county
3 treasury upon authorization of the prosecuting attorney, unless otherwise directed by law.
4 The court in its discretion may allow at the trial of any cause, civil or criminal, in the
5 Supreme Judicial Court, the Superior Court or the District Court, a reasonable sum for
6 each day's attendance of any expert witness or witnesses at the trial, in taxing the costs of
7 the prevailing party, and the expense of all expert witnesses for the State in murder cases
8 ~~shall~~ must be paid by the State and charged against the appropriation for the Department
9 of the Attorney General. Such party or ~~his~~ the attorney of record shall first file an
10 affidavit within 30 days after entry of judgment and before the cause is settled, stating the
11 name, residence, number of days in attendance and the actual amount paid or to be paid
12 each expert witness in attendance at such trial. No more than \$10 per day may be allowed
13 or taxed by the clerk of courts in the costs of any civil action for the per diem attendance
14 of a witness, unless the affidavit is filed, and the per diem is determined and allowed by
15 the presiding justice.

16 **Sec. JJ-8. General Fund savings; judicial branch.** Notwithstanding any other
17 provision of law, the State Court Administrator shall adjust the Personal Services and All
18 Other line categories to achieve the amount of projected savings in Part A in the judicial
19 branch related to maintaining costs within available resources and shall transfer the
20 amounts by financial order upon approval of the Governor. These transfers are
21 considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09.

22 **Sec. JJ-9. Judicial revenues.** The State Court Administrator shall establish a fee
23 for summary judgment motions of \$200 beginning in fiscal year 2008-09.

24 **Sec. JJ-10. Effective date.** That section of this Part that amends the Maine
25 Revised Statutes, Title 16, section 251, first paragraph takes effect July 1, 2009.

26 **PART KK**

27 **Sec. KK-1. 22 MRSA §661**, as amended by PL 2005, c. 683, Pt. A, §33, is further
28 amended to read:

29 **§661. Public policy**

30 In the interests of the public health and welfare of the people of this State, it is the
31 declared public policy of this State that a facility licensed by the United States Nuclear
32 Regulatory Commission and situated in the State must be accomplished in a manner
33 consistent with protection of the public health and safety and in compliance with the
34 environmental protection policies of this State. It is the purpose of this chapter, in
35 conjunction with sections 671 to 690; Title 25, ~~sections~~ section 51 ~~and~~ 52; and Title 35-
36 A, sections 4351 to 4393, to exercise the jurisdiction of the State to the maximum extent
37 permitted by the United States Constitution and federal law and to establish in
38 cooperation with the Federal Government a state nuclear safety inspector program for the
39 on-site monitoring, regulatory review and oversight of a facility within the State that
40 holds a license issued by the United States Nuclear Regulatory Commission. Nothing in
41 this chapter may be construed as an attempt by the State to regulate radiological health

1 and safety reserved to the Federal Government by reason of the United States Atomic
2 Energy Act of 1954, as amended.

3 **Sec. KK-2. 22 MRSA §663-A** is enacted to read:

4 **§663-A. State Nuclear Safety Inspector**

5 There is established within the department the State Nuclear Safety Inspector Office
6 administered by the State Nuclear Safety Inspector. The State Nuclear Safety Inspector is
7 a classified employee, subject to the Civil Service Law.

8 **1. Qualifications.** The State Nuclear Safety Inspector must be an individual
9 knowledgeable in the field of commercial nuclear power production and possess, at a
10 minimum, a master's degree with major work in nuclear, mechanical, electrical or
11 chemical engineering and have at least 3 years' experience in nuclear operations.

12 **2. Duties.** The State Nuclear Safety Inspector shall serve as an on-site nuclear safety
13 inspector of a facility and of the on-site storage and transportation of high-level and low-
14 level nuclear waste.

15 **3. Staff.** The State Nuclear Safety Inspector may employ other personnel as
16 necessary to carry out the purposes of this chapter.

17 **Sec. KK-3. 22 MRSA §664, sub-§1**, as amended by PL 2005, c. 254, Pt. B, §3,
18 is further amended to read:

19 **1. Records.** Each facility licensee shall permit the inspection and copying, for the
20 purposes of this chapter, of its books and records, maintained in any form, except that
21 books and records that are privileged as a matter of law, proprietary, security-related or
22 restricted by federal law, are not open to inspection. Subject to the approval of the United
23 States Nuclear Regulatory Commission and of the facility licensee, access to books and
24 records that are proprietary, security-related or restricted by federal law may be granted if
25 ~~an authorized representative of the State~~ the State Nuclear Safety Inspector, on behalf of
26 the State, enters into a nondisclosure agreement. For purposes of this section, proprietary
27 information includes personnel records, manufacturers' proprietary information, licensee
28 proprietary information and trade secrets. For purposes of this subsection, "trade secrets"
29 means any confidential formula, pattern, process, device, information or compilation of
30 information, including chemical name, that is used in any employer's business that gives
31 the employer an opportunity to obtain any advantage over competitors who do not know
32 or use it.

33 **Sec. KK-4. 22 MRSA §664, sub-§2**, as amended by PL 2005, c. 254, Pt. B, §4,
34 is further amended to read:

35 **2. Monitoring.** Each facility licensee shall permit monitoring, for the purposes of
36 this chapter, of the premises, equipment and materials, including source, special nuclear
37 and by-product materials, in its possession or use, or subject to its control and any vehicle
38 or means of transportation used to remove materials or equipment from the site,
39 including, but not limited to, by rail, water, roadway or air. Monitoring of vehicles or
40 other means of transportation used to remove materials or equipment from the site must
41 be undertaken in a manner that is safe, that employs properly calibrated instruments and

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 that does not result in unreasonable delays in the removal of materials or equipment from
2 the site.

3 For the purposes of this subsection, "monitoring" means any one or combination of the
4 following:

5 A. Observing the conduct of operations, including maintenance, quality assurance
6 activities, the preparation, transportation and handling of radioactive waste, emissions
7 monitoring, radiation protection and the observation of emergency preparedness tests
8 and drills;

9 B. Taking analytical radiological measurements using properly calibrated
10 instruments to confirm:

11 (1) The results of quality assurance activities undertaken by or on behalf of the
12 facility licensee;

13 (2) That the preparation, transportation and handling of radioactive waste is
14 undertaken in accordance with applicable standards;

15 (3) The results of emissions monitoring undertaken by or on behalf of the facility
16 licensee; or

17 (4) That adequate radiation protection measures are in place; and

18 C. Taking radiological measurements for the purpose of verifying compliance with
19 applicable state laws, including, but not limited to, Title 38, section 1455, and
20 confirming and verifying compliance with the standards of the United States Nuclear
21 Regulatory Commission for unrestricted license termination, provided that the taking
22 of such measurements employs techniques, protocols, instruments and quality
23 assurance practices in accordance with generally accepted scientific or industry
24 practices, including, but not limited to, those described in the federal Multi-Agency
25 Radiation Survey and Site Investigation Manual.

26 The licensee shall, upon request, provide split samples to ~~an authorized representative of~~
27 ~~the department~~ the State Nuclear Safety Inspector. All analytical measurements taken
28 pursuant to this subsection must be shared with the licensee. The licensee may provide
29 data to explain any conflicts between measurements taken by the licensee and
30 measurements taken pursuant to this subsection.

31 **Sec. KK-5. 22 MRSA §666**, as repealed by PL 2005, c. 254, Pt. B, §7, is
32 reenacted to read:

33 **§666. Responsibilities of the State Nuclear Safety Inspector**

34 The responsibilities of the State Nuclear Safety Inspector are as follows.

35 **1. Damages to public health and safety.** If the State Nuclear Safety Inspector has
36 reason to believe that any activity poses a danger to public health and safety, and after
37 notifying the facility licensee and the United States Nuclear Regulatory Commission, the
38 inspector shall immediately notify the Governor, the Commissioner of Health and Human
39 Services and the State Nuclear Safety Advisor within the State Planning Office. This
40 subsection may not be construed as precluding the State Nuclear Safety Inspector from

1 discussing the safety inspector's concerns with the United States Nuclear Regulatory
2 Commission or others before making a determination that any activity poses a danger to
3 public health and safety.

4 **2. Reports.** The State Nuclear Safety Inspector, with the cooperation of the Director
5 of Health Engineering, shall prepare a report of the safety inspector's activities under this
6 chapter to be submitted July 1st of each year to the State Nuclear Safety Advisor and the
7 Legislature. The State Nuclear Safety Inspector shall prepare monthly reports for the
8 State Nuclear Safety Advisor, the President of the Senate and the Speaker of the House,
9 with copies to the United States Nuclear Regulatory Commission and the facility
10 licensee.

11 **3. Confidential and privileged information.** The State Nuclear Safety Inspector
12 shall keep confidential and privileged the identity of any person providing
13 communications that, in the opinion of the State Nuclear Safety Inspector, support a
14 presumption of unsafe activities, conduct or operation of a facility or that indicate any
15 violation of the facility licensee's license issued by the United States Nuclear Regulatory
16 Commission, unless the request for confidentiality is waived or withdrawn by such
17 person. The safety inspector shall make all prudent efforts to investigate the basis for any
18 related allegation of unsafe or improper activities and shall cooperate to the extent
19 feasible with the United States Nuclear Regulatory Commission personnel in this effort.
20 Any information brought to the attention of the safety inspector that involves the safety of
21 the plant or a possible violation of United States Nuclear Regulatory Commission
22 regulations must be immediately brought to the attention of the United States Nuclear
23 Regulatory Commission and the facility licensee.

24 **Sec. KK-6. 22 MRSA §668** is enacted to read:

25 **§668. Interim Spent Fuel Storage Facility Oversight Fund**

26 The Interim Spent Fuel Storage Facility Oversight Fund, referred to in this section as
27 "the fund," is established as a nonlapsing fund within the radiation control program in the
28 department. All fees paid under this subchapter are collected by the department for
29 deposit in the fund. The Radiation Control Program shall oversee the fund and may
30 disburse amounts in the fund to agencies or to other appropriate state funds in order to
31 pay or contribute to the payment of costs incurred by agencies with respect to federal or
32 state proceedings; safety, radiation and environmental monitoring; and security or other
33 oversight-related activities related to the decommissioning of a nuclear power plant or the
34 development or operation of an interim spent fuel storage facility in this State. The State
35 Nuclear Safety Inspector shall keep an annual accounting of all funds received by the
36 fund and all disbursements from the fund and shall make a report of this accounting to the
37 joint standing committee of the Legislature having jurisdiction over utilities and energy
38 matters by the first Monday in February of each year.

39 **Sec. KK-7. 22 MRSA §669** is enacted to read:

40 **§669. State assessment**

41 **1. Annual fee.** Any licensee operating an interim spent fuel storage facility in this
42 State shall pay a fixed annual fee to cover all present and reasonably foreseeable future
43 state fees, costs and assessments with respect to the licensee, including, but not limited to,

1 the costs of any commission investigation; the commission's participation in wholesale
2 rate proceedings; safety, radiation and environmental monitoring; and security oversight-
3 related costs. This annual fee consolidates the various fees and assessments imposed by
4 the State on the licensee.

5 **2. Amount.** The amount of the fixed payment is as follows:

6 A. Calendar year 2008, \$296,667; and

7 B. Calendar years 2009 to the 12th month of the year following the year the spent
8 nuclear fuel is removed from the site, \$220,000 per year.

9 **3. Compliance costs.** The fees paid under this section are independent of and in
10 addition to any compliance costs incurred either by the licensee or by any contractor hired
11 by the Department of Environmental Protection to oversee, monitor or implement
12 measures necessary to ensure compliance pursuant to the federal Resource Conservation
13 and Recovery Act of 1976, as amended.

14 **Sec. KK-8. 22 MRS §670** is enacted to read:

15 **§670. Review of oversight activities and funding; report**

16 **1. Review.** Representatives of the Office of the Public Advocate, the Department of
17 Public Safety, the radiation control program of the department and the Department of
18 Environmental Protection; an independent expert in radiological and nuclear engineering
19 selected by the radiation control program in the department; and a licensee operating an
20 interim spent fuel storage facility in this State, referred to in this section as "the licensee,"
21 shall meet on a regular basis and no fewer than 4 times per calendar year:

22 A. To review activities being undertaken by the licensee, the radiation control
23 program in the department, the Department of Public Safety and other agencies of
24 State Government, including, but not limited to, the department and the Department
25 of Environmental Protection, with respect to ensuring:

26 (1) The protection of public health and safety at the site of the interim spent fuel
27 storage facility; and

28 (2) Timely contract performance by the United States Department of Energy
29 regarding the removal of spent nuclear fuel from the site;

30 B. To identify necessary activities to be undertaken by the parties in paragraph A for
31 the next calendar year to ensure the protection of public health and safety at the site
32 of the interim spent fuel storage facility and timely contract performance by the
33 United States Department of Energy regarding the removal of spent nuclear fuel from
34 the site; and

35 C. To develop recommendations regarding funding requirements to carry out the
36 activities identified in paragraph B.

37 **2. Report.** Based on the activities conducted under subsection 1, the radiation
38 control program in the department, in consultation with the Office of the Public
39 Advocate, the Department of Public Safety, the Department of Environmental Protection,
40 the independent expert in radiological and nuclear engineering selected under subsection
41 1 and the licensee, referred to in this subsection as "the consulting parties," shall prepare

1 and submit an annual report to the joint standing committee of the Legislature having
2 jurisdiction over utilities and energy matters no later than February 15th of each year. The
3 report must provide a summary of the review conducted pursuant to subsection 1 and
4 include specific recommendations regarding funding requirements for the next calendar
5 year pursuant to subsection 1, paragraph C. If the radiation control program in the
6 department and the consulting parties are unable to agree on recommendations regarding
7 funding requirements, the consulting parties shall submit their individual
8 recommendations in writing to the radiation control program in the department and the
9 department shall include the individual recommendations of the consulting parties in the
10 report. The radiation control program in the department, with input from the consulting
11 parties, shall determine the format of the report. To assist in the preparation of the report,
12 the Department of Public Safety, the Office of the Public Advocate and the Department
13 of Environmental Protection shall submit to the Department of Health and Human
14 Services no later than December 15th of each year an annual accounting of expenditures
15 of funds from the Interim Spent Fuel Storage Facility Oversight Fund established
16 pursuant to section 668.

17 **3. Authority for legislation; annual fee.** The joint standing committee of the
18 Legislature having jurisdiction over utilities and energy matters shall review the report
19 submitted under subsection 2, including, but not limited to, the recommendations
20 regarding funding requirements. On the basis of its review, the committee may submit
21 legislation to amend the level of the annual fee required of the licensee under section 669.

22 **Sec. KK-9. 22 MRSA §674, sub-§5,** as repealed and replaced by 1987, c. 769,
23 Pt. A, §70 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

24 **5. Coordination.** ~~In consultation with the State Nuclear Safety Advisor in~~
25 ~~fulfillment of the advisor's duties pursuant to Title 25, sections 51 and 52, the~~ The
26 commissioner shall serve as the coordinator of radiation activities among the Maine
27 Emergency Management Agency, Department of Public Safety, Department of Health
28 and Human Services and Department of Environmental Protection. The commissioner
29 shall:

30 A. Consult with and review regulations and procedures of the agencies and federal
31 law to assure consistency and to prevent unnecessary duplication, inconsistencies or
32 gaps in regulatory requirements; and

33 B. Review, prior to ~~promulgation~~ adoption, the proposed rules of all agencies of the
34 State relating to use of control of radiation, to assure that these rules are consistent
35 with ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375, and rules of other
36 agencies of the State. The review ~~shall be~~ must completed within 15 days.

37 If the commissioner determines that proposed rules are inconsistent with rules of other
38 agencies of the State or federal law, the commissioner shall consult with the agencies
39 involved in an effort to resolve these inconsistencies. In the event no inconsistency is
40 reported within 15 days, the proposed rules ~~shall be~~ are presumed consistent for the
41 purposes of this subsection. Upon notification by the commissioner that the
42 inconsistency has not been resolved, the Governor may find that the proposed rules or
43 parts of rules are inconsistent with rules of other agencies of the State or the Federal
44 Government and may issue or order to that effect, in which event the proposed rules or
45 parts of rules ~~shall~~ do not become effective. The Governor may direct, in the alternative,

1 upon a similar determination, the appropriate agency or agencies to amend or repeal
2 existing rules to achieve consistency with the proposed rules.

3 **Sec. KK-10. 22 MRSA §676, sub-§4**, as amended by PL 2005, c. 254, Pt. B, §9,
4 is further amended to read:

5 **4. Radioactive waste.** The Department of Health and Human Services shall
6 coordinate management of and shall serve as point of contact with the United States
7 Nuclear Regulatory Commission for high-level and low-level radioactive wastes, in
8 consultation with the Department of Environmental Protection ~~and the State Nuclear~~
9 ~~Safety Advisor in fulfillment of the State Nuclear Safety Advisor's duties pursuant to~~
10 ~~Title 25, sections 51 and 52 and the State Nuclear Safety Inspector in fulfillment of the~~
11 State Nuclear Safety Inspector's duties pursuant to section 666.

12 **Sec. KK-11. 25 MRSA §51**, as amended by PL 1987, c. 519, §9 and PL 2003, c.
13 689, Pt. B, §6, is further amended to read:

14 **§51. Agreements** - - -

15 The Governor, the Department of Health and Human Services and other state
16 agencies designated in Title 22, section 676, ~~in consultation with the State Nuclear Safety~~
17 ~~Advisor, in fulfillment of his duties pursuant to section 52, shall have authority to may~~
18 enter into agreements, understandings or arrangements with any other department or
19 agency of this State, any federal agency, state, political subdivision or person to provide
20 for mutual aid plans, emergency plans, evacuation plans and their implementation,
21 memoranda of understanding and any other agreements deemed necessary to protect
22 public and property in this State from hazards or dangers from radiation, radioactive
23 materials, nuclear materials or the occurrence of a radiological incident as a result of the
24 presence of, release of or emissions from radioactive materials, radioactivity or nuclear
25 materials in this State. The hazards or dangers referred to in this section ~~shall be~~ are only
26 those arising from the peaceful use, transportation or storage of nuclear or atomic
27 materials.

28 **Sec. KK-12. 25 MRSA §52**, as amended by PL 2005, c. 254, Pt. B, §11, is
29 repealed.

30 **Sec. KK-13. 35-A MRSA §116, sub-§8**, as amended by PL 2005, c. 3, Pt. J, §1
31 and c. 135, §3, is further amended to read:

32 **8. Public Advocate assessment.** Every utility subject to assessment under this
33 section is subject to an additional annual assessment on its intrastate gross operating
34 revenues to produce sufficient revenue for expenditures allocated by the Legislature for
35 operating the Office of Public Advocate, ~~excluding amounts allocated for the full cost of~~
36 ~~the State Nuclear Safety Advisor established pursuant to Title 25, section 52.~~ The portion
37 of this assessment applicable to each category of public utility is based on an accounting
38 by the Public Advocate of resources devoted to matters related to each category. The
39 Public Advocate shall develop a reasonable and practicable method of accounting for
40 resources devoted by the Public Advocate to matters related to each category of public
41 utility. Assessments on each public utility within each category must be based on the
42 utility's gross intrastate operating revenues. The revenues produced from this assessment
43 are transferred to the Public Advocate Regulatory Fund and may only be used to fulfill

1 the duties specified in chapter 17. The assessments charged to utilities under this
2 subsection are considered just and reasonable operating costs for rate-making purposes.
3 The Public Advocate shall develop a method of accounting for staff time within the
4 Office of Public Advocate. All professional and support staff shall account for their time
5 in such a way as to identify the percentage of time devoted to public utility regulation and
6 the percentage of time devoted to other duties that may be required by law.

7 A. The Public Advocate shall submit its budget recommendations as part of the
8 unified current services budget legislation in accordance with Title 5, sections 1663
9 to 1665. The assessments and expenditures provided in this section are subject to
10 legislative approval. The Public Advocate shall make an annual report of its planned
11 expenditures for the year and on its use of funds in the previous year. The Public
12 Advocate may also receive other funds as appropriated by the Legislature.

13 B. The Public Advocate may use the revenues provided in accordance with this
14 section to fund the Public Advocate and 9 employees and to defray the costs incurred
15 by the Public Advocate pursuant to this Title, including administrative expenses,
16 general expenses, consulting fees and all other reasonable costs incurred to
17 administer this Title.

18 C-1. Funds that are not expended at the end of a fiscal year do not lapse but must be
19 carried forward to be expended for the purposes specified in this section in
20 succeeding fiscal years.

21 **Sec. KK-14. 35-A MRSA c. 43, sub-c. 6, as amended, is repealed.**

22 **PART LL**

23 **Sec. LL-1. Legislative account; lapsed balances; Legislative-General**
24 **Fund.** Notwithstanding any other provision of law, \$122,350 of unencumbered balance
25 forward in the Personal Services line category in the Legislative General Fund account in
26 the Legislature lapses to the General Fund in fiscal year 2007-08. In addition, \$194,600
27 of unencumbered balance forward in the Personal Services line category in the
28 Legislative General Fund account in the Legislature lapses to the General Fund in fiscal
29 year 2008-09.

30 **Sec. LL-2. Legislative account; lapsed balances; Law and Legislative**
31 **Reference Library-General Fund.** Notwithstanding any other provision of law,
32 \$9,000 of unencumbered balance forward in the Personal Services line category in the
33 Law and Legislative Reference Library General Fund account in the Legislature lapses to
34 the General Fund in fiscal year 2007-08. In addition, \$15,000 of unencumbered balance
35 forward in the Personal Services line category in the Law and Legislative Reference
36 Library General Fund account in the Legislature lapses to the General Fund in fiscal year
37 2008-09.

38 **Sec. LL-3. Legislative account; lapsed balances; Office of Program**
39 **Evaluation and Government Accountability-General Fund.** Notwithstanding
40 any other provision of law, \$25,000 of unencumbered balance forward in the All Other
41 line category in the Office of Program Evaluation and Government Accountability
42 General Fund account in the Legislature lapses to the General Fund in fiscal year 2007-

1 08. In addition, \$50,000 of unencumbered balance forward in the All Other line category
2 in the Office of Program Evaluation and Government Accountability General Fund
3 account in the Legislature lapses to the General Fund in fiscal year 2008-09.

4 **Sec. LL-4. Legislature; lapsed balances.** Notwithstanding any other provision
5 of law, \$1,021,234 of unencumbered balance forward from the various program accounts
6 and line categories in the legislative accounts, as specified by the Executive Director of
7 the Legislative Council, lapses to the General Fund in fiscal year 2008-09. The executive
8 director shall review the legislative accounts and identify to the State Controller and State
9 Budget Officer by May 15, 2009 the unencumbered balance forward amounts by account
10 and line category totaling \$1,021,234 that will lapse to the General Fund to achieve
11 targeted savings for fiscal year 2008-09.

12 **PART MM**

13 **Sec. MM-1. PL 2007, c. 240, Pt. YY, §1** is amended to read:

14 **Sec. YY-1. Information technology position transfers.** Notwithstanding any
15 other provision of law, the State Budget Officer, based on information provided by the
16 Chief Information Officer, shall transfer position counts and adjust the Personal Services
17 and All Other funds for those affected departments and agencies by financial order upon
18 approval of the Governor in order to complete the consolidation of information
19 technology positions within the Department of Administrative and Financial Services,
20 Office of Information Technology. These transfers are deemed adjustments to authorized
21 position counts, appropriations and allocations in fiscal year 2007-08 and fiscal year
22 2008-09.

23 **PART NN**

24 **Sec. NN-1. Carrying balance; Management Information Systems**
25 **program, General Fund account.** Notwithstanding any other provision of law, any
26 balance remaining from the \$3,500,000 appropriation in fiscal year 2007-08 to the
27 Department of Education's Management Information Systems program, General Fund
28 account in Public Law 2007, chapter 240, Part A, section 22 to provide statewide support
29 for certain operational efficiencies, such as GIS routing software and consolidated payroll
30 and accounting systems, associated with school consolidation does not lapse but must
31 carry forward to June 30, 2009 to be used for the same purposes.

32 **Sec. NN-2. General Purpose Aid for Local Schools; lapsed balances;**
33 **Department of Education, General Fund.** Notwithstanding any other provision of
34 law, \$53,590 of unencumbered balance forward in the All Other line category in the
35 General Purpose Aid for Local Schools, General Fund account in the Department of
36 Education lapses to the General Fund at the close of fiscal year 2008-09.

37 **PART OO**

38 **Sec. OO-1. 22 MRSA §1714-A, sub-§7,** as amended by PL 2003, c. 673, Pt.
39 **YYY, §1,** is further amended to read:

1 **7. Other collection actions.** In addition to the other remedies provided in this
2 section, the department may seek collection of any debt established under subsection 2
3 pursuant to Title 14, chapter 502, Title 36, chapter 7 and Title 36, section 5276-A.

4 A business entity, including a sole proprietorship, is considered out of business for the
5 purposes of the department's recovering indebtedness if, after reasonable investigation,
6 the department or its legal counsel has certified in writing that the business entity is no
7 longer conducting operations and that there is no realistic expectation of collecting any
8 significant money from the entity based upon one or more of the following conditions:

9 A. The business entity has ceased offering retail or wholesale goods and services to
10 the public;

11 B. Upon reasonable investigation, nonexempt assets of the business entity of
12 substantial value can not be identified or are otherwise unavailable for attachment
13 and recovery;

14 C. The business entity's physical location or locations of business are closed to the
15 public;

16 D. The business entity's corporate status is no longer in good standing;

17 E. The business entity has admitted that it has insufficient assets to satisfy the debt;

18 F. After reasonable investigation, the department or its counsel can not locate the
19 business entity or identify the debtor's nonexempt assets; and

20 G. The business entity has transferred substantially all of its business assets to a 3rd
21 party and there are no recoverable assets as a result of the transfer.

22 Certification by the department that a business entity is out of business under this
23 subsection does not preclude further collection and recovery procedures by the
24 department, whether to formally adjudicate the indebtedness or to proceed with collection
25 and recovery if the department becomes aware of facts that merit further recovery efforts.

26 **Sec. OO-2. 36 MRSA §111, sub-§5,** as amended by PL 2005, c. 332, §3, is
27 further amended to read:

28 **5. Tax.** "Tax" means the total amount required to be paid, withheld and paid over or
29 collected and paid over with respect to estimated or actual tax liability under this Title
30 and any amount assessed by the State Tax Assessor pursuant to this Title, including any
31 interest or penalties provided by law. For purposes of ~~sections 171, 175-A, 176-A and~~
32 ~~186 this chapter,~~ "tax" also means any fee, fine, penalty or other ~~obligation debt~~ owed to
33 the State provided for by law if this ~~obligation debt~~ is subject to collection by the assessor
34 pursuant to ~~an agreement entered into by the bureau and another agency of the State~~
35 section 112-A.

36 **Sec. OO-3. 36 MRSA §112, sub-§9,** as amended by PL 2001, c. 439, Pt. L, §5, is
37 further amended to read:

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

1 **Sec. OO-4. 36 MRSA §112-A** is enacted to read:

2 **§112-A. Agreements for transfer from another state agency of debt for collection**

3 **1. Generally.** Any agency of the State may transfer to the bureau solely for the
4 purposes of collection any fee, fine, penalty or other debt owed to the State provided for
5 by law if the debt is final without further right of administrative or judicial review and if
6 the transfer of the debt is made pursuant to a written agreement entered into by the bureau
7 and that agency.

8 **2. Transfer of collected proceeds.** After the deduction of the assessor's collection
9 fee authorized by subsection 3, the assessor shall remit collections of the transferred debt
10 to the creditor agency.

11 **3. Collection fee.** A collection fee calculated pursuant to section 114 for service
12 costs of the assessor in undertaking the collection of transferred debt may be charged to
13 the creditor agency. The fee may be deducted from collected amounts transferred to the
14 creditor agency and deposited in the Bureau of Revenue Services Fund, Internal Services
15 Fund account authorized by section 114. If a creditor agency is either entitled to federal
16 matching funds against all debts collected or required by federal regulations to specially
17 handle debts collected, the assessor shall transfer to that creditor agency the gross
18 proceeds from collections of the transferred debt, and that agency shall promptly
19 reimburse the collection fee to the assessor for deposit in the Bureau of Revenue Services
20 Fund, Internal Services Fund account.

21 **4. Accounting.** The creditor agency shall credit the account of the debtor with the
22 full amount of the collected debt, including the collection fee retained by, or reimbursed
23 to, the assessor, except that the collection fee may not be credited to the account of an
24 individual required to make restitution as provided in Title 17-A, section 1152, subsection
25 2-A.

26 **5. Priority.** The assessor may proceed with collection of any tax, including
27 transferred debt deemed a tax debt pursuant to section 111, subsection 5, in any order of
28 priority among such tax obligations.

29 **Sec. OO-5. 36 MRSA §191, sub-§2, ¶II**, as amended by PL 2007, c. 328, §3, is
30 further amended to read:

31 II. The disclosure to an authorized representative of the Maine Milk Commission of
32 information on the quantity of packaged milk handled in the State and subject to the
33 milk handling fee established in section 4902 and other information obtained by the
34 assessor in the administration of chapter 721; ~~and~~

35 **Sec. OO-6. 36 MRSA §191, sub-§2, ¶JJ**, as enacted by PL 2007, c. 328, §4, is
36 amended to read:

37 JJ. The disclosure to the State Purchasing Agent of a person's sales tax standing as
38 necessary to enforce Title 5, section 1825-B, subsection 14-; and

39 **Sec. OO-7. 36 MRSA §191, sub-§2, ¶KK** is enacted to read:

1

PART RR

2 **Sec. RR-1. 36 MRSA §2527**, as amended by PL 2007, c. 1, Pt. O, §§3 and 4 and
3 affected by §9, is repealed.

4 **Sec. RR-2. 36 MRSA §5219-U**, as amended by PL 2007, c. 1, Pt. O, §§6 and 7
5 and affected by §9, is repealed.

6 **Sec. RR-3. Review by Maine Revenue Services; cross-references.** Maine
7 Revenue Services shall review the Maine Revised Statutes and submit a bill to the First
8 Regular Session of the 124th Legislature that includes all sections necessary to correct
9 and update any cross-references in the statutes to provisions of law repealed in this Part.

10

PART SS

11 **Sec. SS-1. 36 MRSA §2528**, as amended by PL 2007, c. 1, Pt. O, §5 and affected
12 by §9, is repealed.

13 **Sec. SS-2. 36 MRSA §5219-V**, as amended by PL 2007, c. 1, Pt. O, §8 and
14 affected by §9, is repealed.

15 **Sec. SS-3. Review by Maine Revenue Services; cross-references.** Maine
16 Revenue Services shall review the Maine Revised Statutes and submit a bill to the First
17 Regular Session of the 124th Legislature that includes all sections necessary to correct
18 and update any cross-references in the statutes to provisions of law repealed in this Part.

19

PART TT

20 **Sec. TT-1. Prescription drugs under the MaineCare childless adult**
21 **waiver.** This section applies to the provision of prescription drugs under the MaineCare
22 childless adult waiver.

23 **1. Waiver application.** The Department of Health and Human Services, Office of
24 MaineCare Services shall submit an amendment to the federal Centers for Medicare and
25 Medicaid Services for the Medicaid waiver for childless adults to establish a different
26 preferred drug list for MaineCare members who are enrolled in the childless adult waiver.
27 The different preferred drug list must provide for:

28 A. Coverage of brand-name prescription drugs for which there is no suitable generic
29 and therapeutically equivalent drug available, such as for the treatment of HIV or
30 Hepatitis B;

31 B. Use of a variant of the 5-brand limit on brand-name prescription drugs established
32 pursuant to the Maine Revised Statutes, Title 22, section 3174-FF, subsection 3,
33 paragraph H, subparagraph (3) that provides for drug classes when generic and
34 therapeutically equivalent drugs are available. Once the waiver is granted, the
35 department is authorized to implement the different preferred drug list

1 transfers are considered adjustments to authorized position count, appropriations and
2 allocations in fiscal years 2007-08 and 2008-09. The commissioner and the State Budget
3 Officer shall provide the joint standing committees of the Legislature having jurisdiction
4 over health and human services matters and appropriations and financial affairs a report
5 outlining the progress towards the new organizational structure and any transferred
6 amounts by December 15th and June 15th in each year of the 2008-2009 biennium and in
7 fiscal year 2009-10.

8 **Sec. UU-2. PL 2007, c. 240, Pt. GG, §2** is repealed.

9 **Sec. UU-3. PL 2007, c. 240, Pt. GG, §3** is enacted to read:

10 **Sec. GG-3. Office of MaineCare Services; position eliminations.** The
11 Commissioner of Health and Human Services shall identify a minimum of 100
12 Legislative Count positions in the Office of MaineCare Services, including any positions
13 eliminated pursuant to section 1, which must be eliminated no later than June 19, 2010
14 upon the transition to the fiscal agent model. By December 15, 2008, the commissioner
15 shall provide the joint standing committees of the Legislature having jurisdiction over
16 health and human services matters and appropriations and financial affairs a report
17 detailing the positions to be eliminated.

18 **PART VV**

19 **Sec. VV-1. Department of Conservation, Division of Forest Fire Control**
20 **account; lapsed balances; General Fund.** Notwithstanding any other provision of
21 law, \$356,200 of unencumbered balance forward in the Personal Services line category in
22 the Division of Forest Fire Control, General Fund account in the Department of
23 Conservation lapses to the General Fund at the close of fiscal year 2008-09.

24 **PART WW**

25 **Sec. WW-1. 27 MRSA §511** is enacted to read:

26 **§511. Support for state rehabilitation tax credits**

27 **1. Program.** The director shall administer, in consultation with the Department of
28 Administrative and Financial Services, Bureau of Revenue Services, a program in support
29 of state rehabilitation tax credits for income-producing historic structures pursuant to
30 Title 36, section 5219-BB.

31 **2. Certification.** The director shall certify information necessary for applicants to
32 demonstrate eligibility for an income tax credit under Title 36, section 5219-BB,
33 including, but not limited to:

34 **A.** That rehabilitations of certified historic structures are consistent with the United
35 States Secretary of the Interior's Standards for Rehabilitation;

36 **B.** That historic structures are listed in or are eligible for listing in the National
37 Register of Historic Places or are in certified local districts; and

1 C. The amount of qualified rehabilitation expenditures associated with each project
2 for which an income tax credit will be claimed.

3 When performing the certification required by this subsection, the director shall interpret
4 the provisions of this subsection in a manner consistent with the provisions of the federal
5 Internal Revenue Code, Section 47.

6 **3. Administration.** The director may provide forms, instructions and guidelines
7 necessary for an applicant to apply for certification under the program.

8 **4. Fees.** The director may establish a schedule of processing fees, the proceeds of
9 which must be used by the director solely for the support of the administration of
10 certifications under this section. The processing fees collected by the director must be
11 placed in a nonlapsing historic rehabilitation certification fund to be used solely by the
12 director for the administration of certifications required under this section.

13 **5. Reports.** The Maine Historic Preservation Commission shall issue the following
14 reports.

15 A. The Maine Historic Preservation Commission shall issue a report by March 1st of
16 each year that identifies the approved and certified state historic preservation
17 certification applications and documents the number of affordable housing units
18 created, total housing units created, number of affordable housing units preserved,
19 total aggregate square footage rehabilitated and developed, total aggregate square
20 footage of housing, total aggregate square footage of affordable housing, total
21 certified rehabilitation expenses and total new construction expenses.

22 B. By January 15, 2013, the Maine Historic Preservation Commission shall analyze
23 the use of tax credits provided under Title 36, section 5219-BB as an incentive for
24 rehabilitation of historic structures and economic development, analyze tax and other
25 revenues generated by the rehabilitation to determine in relation to the cost of the
26 credit if they exceed the costs of the credit and report the results of its analysis to the
27 joint standing committee of the Legislature having jurisdiction over taxation matters
28 with recommendations as to whether the credits under Title 36, section 5219-BB
29 should be extended, repealed or amended. The joint standing committee may submit
30 legislation related to the report.

31 **Sec. WW-2. 36 MRSA §4641-B, sub-§4,** as amended by PL 2007, c. 240, Pt. H,
32 §1 and c. 427, §1, is repealed and the following enacted in its place:

33 **4. Distribution of State's share of proceeds.** The State Tax Assessor shall pay all
34 net receipts received pursuant to this section to the Treasurer of State and shall at the
35 same time provide the Treasurer of State with documentation showing the amount of
36 revenues derived from the tax imposed by section 4641-A, subsection 1 and the amount
37 of revenues derived from the tax imposed by section 4641-A, subsection 2.

38 A. The Treasurer of State shall credit 1/2 of the revenues derived from the tax
39 imposed by section 4641-A, subsection 1 to the General Fund and shall monthly pay
40 the remaining 1/2 of such revenues to the Maine State Housing Authority, which
41 shall deposit the funds in the Housing Opportunities for Maine Fund created in Title
42 30-A, section 4853, except that:

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 (1) In fiscal year 2003-04, fiscal year 2004-05 and fiscal year 2005-06,
2 \$7,500,000 of the remaining 1/2 of those revenues must be transferred to the
3 General Fund before any payments are made to the Maine State Housing
4 Authority;

5 (2) In fiscal year 2006-07, \$7,687,067 of the remaining 1/2 of those revenues
6 must be transferred to the General Fund before any payments are made to the
7 Maine State Housing Authority;

8 (3) In fiscal year 2007-08 and fiscal year 2008-09, \$5,000,000 of the remaining
9 1/2 of those revenues must be transferred to the General Fund before any
10 payments are made to the Maine State Housing Authority;

11 (4) In fiscal year 2008-09, \$90,000 of the remaining 1/2 of those revenues must
12 be transferred to the General Fund before any payments are made to the Maine
13 State Housing Authority;

14 (5) In fiscal year 2009-10, \$3,320,000 of the remaining 1/2 of those revenues
15 must be transferred to the General Fund before any payments are made to the
16 Maine State Housing Authority;

17 (6) In fiscal year 2010-11, \$3,720,000 of the remaining 1/2 of those revenues
18 must be transferred to the General Fund before any payments are made to the
19 Maine State Housing Authority;

20 (7) In fiscal year 2011-12, \$3,830,000 of the remaining 1/2 of those revenues
21 must be transferred to the General Fund before any payments are made to the
22 Maine State Housing Authority;

23 (8) In fiscal year 2012-13, \$3,950,000 of the remaining 1/2 of those revenues
24 must be transferred to the General Fund before any payments are made to the
25 Maine State Housing Authority; and

26 (9) In fiscal year 2008-09, \$2,972,414 of the remaining 1/2 of those revenues
27 must be transferred to the General Fund before any payments are made to the
28 Maine State Housing Authority.

29 B. Neither the Governor nor the Legislature may divert the revenues payable to the
30 Housing Opportunities for Maine Fund to any other fund or for any other use. Any
31 proposal to enact or amend a law to allow distribution of less than 1/2 of the revenues
32 derived from the tax imposed by section 4641-A, subsection 1 to the Housing
33 Opportunities for Maine Fund, as adjusted under paragraph A, must be submitted to
34 the Legislative Council and to the joint standing committee of the Legislature having
35 jurisdiction over affordable housing matters at least 30 days prior to any vote or
36 public hearing on the proposal.

37 C. The Treasurer of State shall credit to the General Fund all of the revenues derived
38 from the tax imposed by section 4641-A, subsection 2.

39 **Sec. WW-3. 36 MRSA §5219-R, sub-§1, as enacted by PL 2005, c. 519, Pt. H,**
40 **§1, is amended to read:**

1 **1. Credit allowed.** A taxpayer is allowed a credit against the tax imposed under this
2 Part equal to the amount of credit claimed by the taxpayer for the taxable year under
3 Section 47 of the Code with respect to expenditures incurred after December 31, 1999 for
4 a certified historic structure located in the State. The credit is nonrefundable and is
5 limited to \$100,000 annually per taxpayer. A credit received under this section is subject
6 to the same recapture provisions, as apply to a credit received under Section 47 of the
7 Code and to any available federal carry-back or carry-forward provisions. A credit may
8 not be claimed under this subsection for expenditures incurred after December 31, 2007.

9 **Sec. WW-4. 36 MRSA §5219-BB** is enacted to read:

10 **§5219-BB. Credit for rehabilitation of historic properties after 2007**

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

13 A. "Affordable housing" means a decent, safe and sanitary dwelling, apartment or
14 other living accommodation for a household whose income does not exceed 60% of
15 the median income for the area as defined by the United States Department of
16 Housing and Urban Development under the United States Housing Act of 1937,
17 Public Law 412, 50 Stat. 888, Section 8, as amended.

18 B. "Certified historic structure" means a structure that has been certified as a historic
19 structure under Title 27, section 511.

20 C. "Certified qualified rehabilitation expenditure" means a qualified rehabilitation
21 expenditure made between January 1, 2008 and December 31, 2013 certified by the
22 director under Title 27, section 511. For purposes of subsection 2, paragraph B,
23 qualified rehabilitation expenditures incurred in the certified rehabilitation of a
24 certified historic structure located in the State do not include a requirement that the
25 certified historic structure be substantially rehabilitated.

26 D. "Director" means the director of the Maine Historic Preservation Commission.

27 **2. Credit allowed.** A taxpayer is allowed a credit against the tax imposed under this
28 Part:

29 A. Equal to 25% of the taxpayer's certified qualified rehabilitation expenditures for
30 which a tax credit is claimed under Section 47 of the Code for a certified historic
31 structure located in the State; or

32 B. Equal to 25% of the certified qualified rehabilitation expenditures of a taxpayer
33 who incurs not less than \$50,000 and up to \$250,000 in certified qualified
34 rehabilitation expenditures in the rehabilitation of a certified historic structure located
35 in the State and who does not claim the federal credit with regard to those
36 expenditures. The credit may be claimed for the taxable year in which the certified
37 historic structure is placed in service, except that a credit may not be claimed for
38 expenditures incurred before January 1, 2008 or after December 31, 2013.

39 A taxpayer is allowed a credit under paragraph A or B but not both.

40 **3. Increased credit for affordable housing.** The credit allowed under this section
41 is increased to 30% of certified qualified rehabilitation expenditures if the project is also

1 an affordable housing project. The 30% credit is available only for projects for which at
2 least 50% of the aggregate square feet of the completed project is housing of which at
3 least 50% of the aggregate square feet of the completed housing creates new affordable
4 housing or for which at least 33% of the aggregate square feet of the completed project
5 creates new affordable housing. Affordable housing created using the 30% credit must
6 remain affordable for 30 years pursuant to a mechanism acceptable to the Maine State
7 Housing Authority. The mechanism must provide that if the property does not remain
8 affordable for 30 years, the owner of the property must pay to the Housing Opportunities
9 for Maine Fund under Title 30-A, section 4853 an amount equal to the credit increase
10 allowed to the taxpayer under this subsection plus interest at the rate of 7% per annum
11 beginning when the property is placed in service and ending upon payment.

12 By August 1, 2009 and annually every August 1st thereafter to 2013, the Maine Historic
13 Preservation Commission and the Maine State Housing Authority shall review the report
14 issued pursuant to Title 27, section 511, subsection 5, paragraph A to determine the
15 percentage of the total aggregate square feet rehabilitated and developed using both the
16 25% credit under subsection 2 and the 30% credit under this subsection that constitutes
17 new affordable housing. If the total aggregate square feet of new affordable housing does
18 not equal or exceed 30% of the total aggregate square feet of rehabilitated and developed
19 completed projects eligible for a credit under this section, the commission and the
20 authority shall notify the State Tax Assessor and the credit authorized in subsection 2,
21 paragraph B is increased by 1% for that tax year and for each succeeding year in which
22 the 30% affordable housing threshold is not reached until a maximum credit rate of 35%
23 is reached.

24 **4. Maximum credit.** The credit allowed pursuant to this section may not exceed
25 \$5,000,000 for each certified rehabilitation project under Section 47 of the Code placed
26 into service in the State during the taxable year for which a credit is claimed under this
27 section.

28 **5. Timing of credit.** Twenty-five percent of the credit allowed pursuant to this
29 section must be taken in the taxable year the property is placed into service and 25% must
30 be taken in each of the next 3 taxable years.

31 **6. Credit refundable.** The credit allowed under this section is fully refundable.

32 **7. Allocation of credit.** Credits allowed to a partnership, a limited liability company
33 taxed as a partnership or multiple owners of property must be passed through to the
34 partners, members or owners respectively pro rata in the same manner as under section
35 5219-G, subsection 1 or pursuant to an executed agreement among the partners, members
36 or owners documenting an alternate allocation method.

37 **8. Recapture.** A credit received under this section is subject to the same recapture
38 provisions as apply to a credit received under Section 47 of the Code.

39 **9. Limitation.** A taxpayer who is eligible to claim a credit under section 5219-R,
40 whether or not a credit is actually claimed, may not claim a credit under this section. In
41 addition, a credit may not be claimed under this section with respect to expenditures
42 incurred for rehabilitation of Building No. 2 in the Lockwood Mill Historic District in the
43 City of Waterville.

1 **Sec. WW-5. Appropriations and allocations.** The following appropriations
 2 and allocations are made.

3 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 4 **Revenue Services - Bureau of 0002**

5 Initiative: Provides one-time funds for the computer programming costs associated with
 6 the tax credit for the rehabilitation of historic properties.

7	GENERAL FUND	2007-08	2008-09
8	All Other	\$0	\$44,000
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$44,000</u>

11	ADMINISTRATIVE AND FINANCIAL		
12	SERVICES, DEPARTMENT OF		
13	DEPARTMENT TOTALS	2007-08	2008-09
14			
15	GENERAL FUND	\$0	\$44,000
16			
17	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$44,000</u>

18 **HISTORIC PRESERVATION COMMISSION, MAINE**

19 **Historic Commercial Rehabilitation Fund N029**

20 Initiative: Establishes a base allocation for the Historic Commercial Rehabilitation Fund
 21 to support the administration costs associated with certifying rehabilitations of certified
 22 historic structures.

1	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
2	All Other	\$0	\$500
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$500</u>
5	HISTORIC PRESERVATION COMMISSION,		
6	MAINE		
7	DEPARTMENT TOTALS	2007-08	2008-09
8			
9	OTHER SPECIAL REVENUE FUNDS	\$0	\$500
10			
11	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$500</u>
12	SECTION TOTALS	2007-08	2008-09
13			
14	GENERAL FUND	\$0	\$44,000
15	OTHER SPECIAL REVENUE FUNDS	\$0	\$500
16			
17	SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$44,500</u>

18 **PART XX**

19 **Sec. XX-1. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2001, c. 338, §§1
20 to 3, is further amended to read:

21 B. The department may use funds, insofar as resources permit, provided under and in
22 accordance with the United States Social Security Act or state funds appropriated for
23 this purpose or a combination of state and federal funds to provide assistance to
24 families under this chapter. In addition to assistance for families described in this
25 subsection, funds must be expended for the following purposes:

26 (1) To continue the pass-through of the first \$50 per month of current child
27 support collections and the exclusion of the \$50 pass-through from the budget
28 tests and benefit calculations;

29 (2) To provide financial and medical assistance to certain noncitizens legally
30 admitted to the United States. Recipients of assistance under this subparagraph
31 are limited to the categories of noncitizens who would be eligible for the TANF
32 or Medicaid programs but for their status as aliens under PRWORA. Eligibility
33 for the TANF and Medicaid programs for these categories of noncitizens must be

- 1 determined using the criteria applicable to other recipients of assistance from
2 these programs;
- 3 (3) To provide benefits to certain 2-parent families whose deprivation is based on
4 physical or mental incapacity;
- 5 (4) To provide an assistance program for needy children, 19 to 21 years of age,
6 who are in full-time attendance in secondary school. The program is operated for
7 those individuals who qualify for TANF under the United States Social Security
8 Act, except that they fail to meet the age requirement, and is also operated for the
9 parent or caretaker relative of those individuals. Except for the age requirement,
10 all provisions of TANF, including the standard of need and the amount of
11 assistance, apply to the program established pursuant to this subparagraph;
- 12 (5) To provide assistance for a pregnant woman who is otherwise eligible for
13 assistance under this chapter, except that she has no dependents under 19 years of
14 age. An individual is eligible for the monthly benefit for one eligible person if
15 the medically substantiated expected date of the birth of her child is not more
16 than 90 days following the date the benefit is received;
- 17 (6) To provide a special housing allowance for TANF families whose shelter
18 expenses for rent, mortgage or similar payments, homeowners insurance and
19 property taxes equal or exceed 75% of their monthly income. The special
20 housing allowance is limited to ~~\$50~~ \$100 per month for each family. For
21 purposes of this subparagraph, "monthly income" means the total of the TANF
22 monthly benefit and all income countable under the TANF program, plus child
23 support received by the family, excluding the \$50 pass-through payment;
- 24 (7) In determining benefit levels for TANF recipients who have earnings from
25 employment, the department shall disregard from monthly earnings the
26 following:
- 27 (a) One hundred and eight dollars;
- 28 (b) Fifty percent of the remaining earnings that are less than the
29 federal poverty level; and
- 30 (c) All actual child care costs necessary for work, except that the
31 department may limit the child care disregard to \$175 per month per
32 child or \$200 per month per child under 2 years of age or with special
33 needs;
- 34 (8) In cases when the TANF recipient has no child care cost, the monthly TANF
35 benefit is the maximum payment level or the difference between the countable
36 earnings and the standard of need established by rule adopted by the department,
37 whichever is lower;
- 38 (9) In cases when the TANF recipient has child care costs, the department shall
39 determine a total benefit package, including TANF cash assistance, determined in
40 accordance with subparagraph (7) and additional child care assistance, as
41 provided by rule, necessary to cover the TANF recipient's actual child care costs

1 up to the maximum amount specified in section 3782-A, subsection 5. The
2 benefit amount must be paid as provided in this subparagraph.

3 (a) Before the first month in which child care assistance is available to
4 an ASPIRE-TANF recipient under this paragraph and periodically
5 thereafter, the department shall notify the recipient of the total benefit
6 package and the following options of the recipient: to receive the total
7 benefit package directly; or to have the department pay the recipient's
8 child care assistance directly to the designated child care provider for
9 the recipient and pay the balance of the total benefit package to the
10 recipient.

11 (b) If an ASPIRE-TANF recipient notifies the department that the
12 recipient chooses to receive the child care assistance directly, the
13 department shall pay the total benefit package to the recipient.

14 (c) If an ASPIRE-TANF recipient does not respond or notifies the
15 department of the choice to have the child care assistance paid directly
16 to the child care provider from the total benefit package, the
17 department shall pay the child care assistance directly to the designated
18 child care provider for the recipient. The department shall pay the
19 balance of the total benefit package to the recipient;

20 (10) Child care assistance under this paragraph must be paid by the department
21 in a prompt manner that permits an ASPIRE-TANF recipient to access child care
22 necessary for work; and

23 (11) The department shall adopt rules pursuant to Title 5, chapter 375 to
24 implement this subsection. Rules adopted pursuant to this subparagraph are
25 routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

26 **Sec. XX-2. 22 MRSA §3762, sub-§8, ¶D** is enacted to read:

27 D. The department shall provide limited transitional food benefits to meet needs of
28 ASPIRE-TANF program participants who lose eligibility for TANF assistance due to
29 employment on or after July 1, 2008. Benefits must be provided for 3 years
30 following loss of TANF eligibility and may not exceed \$100 per month per family for
31 the first year, \$75 per month per family for the 2nd year and \$50 per month per
32 family for the 3rd year.

33 **Sec. XX-3. 22 MRSA §4301, sub-§3**, as enacted by PL 1983, c. 577, §1, is
34 amended to read:

35 **3. Eligible person.** "Eligible person" means a person who is qualified to receive
36 general assistance from a municipality according to standards of eligibility determined by
37 the municipal officers whether or not that person has applied for general assistance.
38 Beginning July 1, 2008, "eligible person" does not include any person in a family
39 receiving benefits from TANF, as defined in section 3762, subsection 1, paragraph E.

1 **Sec. XX-4. 22 MRSA §4301, sub-§6**, as amended by PL 1991, c. 622, Pt. M,
2 §20, is further amended to read:

3 **6. Household.** "Household" means an individual or a group of individuals who
4 share a dwelling unit. When an applicant shares a dwelling unit with one or more
5 individuals, even when a landlord-tenant relationship may exist between individuals
6 residing in the dwelling unit, eligible applicants persons who apply for general assistance
7 may receive assistance for no more than their pro rata share of the actual costs of the
8 shared basic needs of that household according to the maximum levels of assistance
9 established in the municipal ordinance. The income of household members not legally
10 liable for supporting the household is considered available to the applicant only when
11 there is a pooling of income.

12 **Sec. XX-5. 22 MRSA §4308, sub-§1**, as amended by PL 1993, c. 410, Pt. AAA,
13 §6, is further amended to read:

14 **1. Initial and subsequent applications.** Except as provided in section 4316-A,
15 subsection 1-A, a person who makes an application for assistance, who has not applied
16 for assistance in that or any other municipality must have that person's eligibility
17 determined solely on the basis of need, except that a person in a family receiving benefits
18 from TANF, as defined in section 3762, subsection 1, paragraph E, on or after July 1,
19 2008 is not eligible for general assistance. All applications for general assistance that are
20 not initial applications are repeat applications. The eligibility of repeat applicants must
21 be determined on the basis of need and all other conditions of eligibility established by
22 this chapter and municipal ordinance.

23 **Sec. XX-6. 22 MRSA §4308, sub-§2**, as amended by PL 1999, c. 45, §1, is
24 further amended to read:

25 **2. Emergencies.** A person who does not have sufficient resources to provide one or
26 more basic necessities in an emergency is eligible for emergency general assistance, even
27 when that applicant has been found ineligible for nonemergency general assistance,
28 except as provided in this subsection. Beginning July 1, 2008, a person in a family
29 receiving benefits from TANF, as defined in section 3762, subsection 1, paragraph E, is
30 not eligible for emergency general assistance.

31 A. A person who is currently disqualified from general assistance for a violation of
32 section 4315, 4316-A or 4317 is ineligible for emergency assistance under this
33 subsection.

34 B. Municipalities may by standards adopted in municipal ordinances restrict the
35 disbursement of emergency assistance to alleviate emergency situations to the extent
36 that those situations could not have been averted by the applicant's use of income and
37 resources for basic necessities. The person requesting assistance shall provide
38 evidence of income and resources for the applicable time period.

39 A municipality may provide emergency assistance when the municipality determines that
40 an emergency is imminent and that failure to provide assistance may result in undue
41 hardship and unnecessary costs.

1

PART YY

2

Sec. YY-1. State agency function efficiencies. Notwithstanding any provision of law to the contrary, the following departments, under the direction of the Commissioner of Administrative and Financial Services and the Director of the State Planning Office within the Executive Department, shall, by June 30, 2008, implement a plan of collaboration or consolidation, eliminating duplication or creating greater efficiencies in the following functions:

3

4

5

6

7

8

1. Ministerial licensing and registration: Department of Agriculture, Food and Rural Resources, Department of Conservation, Department of Inland Fisheries and Wildlife, Department of Marine Resources and Department of Professional and Financial Regulation;

9

10

11

12

13

2. Food safety inspection: Department of Agriculture, Food and Rural Resources and Department of Health and Human Services; and

14

15

3. Drinking water and septic systems regulation: Department of Environmental Protection and Department of Health and Human Services.

16

17

The plan must be designed to achieve a savings of \$250,000 during fiscal year 2008-09.

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

If the commissioners of the affected departments identify a conflict or inconsistency between provisions in the Maine Revised Statutes or rules adopted by the agencies, the commissioners shall attempt to resolve that conflict or inconsistency by interpreting the laws or rules together to give effect to the intent of the Legislature or agency, as the case may be. If the commissioners determine rulemaking is required to resolve a conflict or inconsistency, the commissioners may adopt rules as authorized by law. In adopting rules under this section, the commissioners have sole discretion to determine whether an emergency exists. The commissioners shall notify the members of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs prior to adopting any emergency rule under this section. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. If the commissioners determine that legislation is required to resolve a conflict or inconsistency, the commissioners shall jointly submit proposed legislation necessary to fully implement the intent of this Part by October 1, 2008 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, and the joint standing committee may submit legislation to the First Regular Session of the 124th Legislature based on the proposed legislation.

35

Sec. YY-2. Long-term enhancement of services and efficiencies.

36

37

38

39

40

41

42

43

1. The agencies serving the natural resources sectors within the State, including but not limited to the Department of Agriculture, Food and Rural Resources, Department of Conservation, Department of Inland Fisheries and Wildlife, Department of Marine Resources and Department of Environmental Protection, referred to in this section as "the agencies," shall work together and with a task force appointed by the Governor to participate in the creation and implementation of a plan, developed after consideration of all ideas and organizational configurations, that is designed to eliminate duplication and create greater efficiencies to improve the delivery of services to the citizens of the

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 State associated with the natural resources sector. The agencies shall submit legislation
2 to implement the plan to the First Regular Session of the 124th Legislature by January 1,
3 2009.

4 2. The agencies shall, out of existing funds, secure facilitation and research expertise
5 to:

6 A. Analyze existing department functions;

7 B. Conduct stakeholder outreach;

8 C. Seek increased efficiency ideas from Legislators, members of the public,
9 businesses, outside experts and others served by the departments serving the natural
10 resources sector; accept information; and address concerns;

11 D. Cooperate with other entities of State Government;

12 E. Research approaches to natural resources services in other states;

13 F. Enhance services provided to natural resources-based businesses and industries
14 and for outdoor recreation, natural resources management and environmental
15 protection;

16 G. Integrate research, scientific, land management, enforcement and outreach,
17 promotion and education functions;

18 H. Utilize advances in science and technology and plan for trends in natural
19 resources, recreation activity, environmental management and business sector needs;

20 I. Maximize natural resources, environmental and economic benefits;

21 J. Coordinate and streamline functions, services and activities;

22 K. Eliminate duplication of services and administrative activities; and

23 L. Create efficiencies and cost savings in the provision of natural resources services.

24 3. Any savings that are achieved through increased efficiencies must be reallocated
25 within the natural resources agencies.

26 **Sec. YY-3. Calculation and transfer; General Fund savings through**
27 **increased efficiencies.** Notwithstanding any other provision of law, the State Budget
28 Officer shall calculate the amounts of savings from increased efficiencies that result from
29 this Part that apply against each General Fund account and shall transfer the amounts by
30 financial order upon approval of the Governor. These transfers are considered
31 adjustments to appropriations in fiscal year 2008-09. The State Budget Officer shall
32 provide the joint standing committee of the Legislature having jurisdiction over
33 appropriations and financial affairs a report of the transferred amounts not later than
34 January 15, 2009.

35 **Sec. YY-4. Appropriations and allocations.** The following appropriations and
36 allocations are made.

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

38 **Executive Branch Departments and Independent Agencies - Statewide 0017**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 Initiative: Reduces funding from savings to be realized through increased efficiencies as
2 authorized in section 1 of this Part.

3	GENERAL FUND	2007-08	2008-09
4	Unallocated	\$0	(\$250,000)
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$250,000)</u>

7 **PART ZZ**

8 **Sec. ZZ-1. Sale or lease of state properties; proceeds to be deposited in**
9 **General Fund.** Notwithstanding any other provision of law, the proceeds identified by
10 the Commissioner of Administrative and Financial Services from the sale or lease of the
11 following properties, not to exceed \$600,000, must be deposited in the General Fund no
12 later than June 30, 2009:

- 13 1. Hallowell - Stevens School campus, as authorized in Resolve 2003, chapter 92;
- 14 2. Augusta - Hospital Street, brick farmhouse, as authorized in Resolve 2005, chapter
15 177;
- 16 3. Bangor - Hedin Hall, as authorized in Resolve 2005, chapter 209;
- 17 4. East Machias - State Police barracks, as authorized in Resolve 2005, chapter 177;
- 18 5. Augusta - Kennebec Arsenal, as authorized in Resolve 2003, chapter 91 and
19 Resolve 2005, chapter 98;
- 20 6. Frenchville, Star Barn Road parcel, as authorized in Resolve 2007, chapter 150;
21 and
- 22 7. Thomaston - former prison site, as authorized in Resolve 1999, chapter 114 and
23 Resolve 2005, chapter 98.

24 **PART AAA**

25 **Sec. AAA-1. PL 2007, c. 240, Pt. KK, §1** is amended to read:

26 **Sec. KK-1. Personal Services transfer.** Notwithstanding any other provision of
27 law, the State Controller shall transfer unexpended Personal Services balances in the
28 General Fund lapsing accounts on June 30, 2007, June 30, 2008 and June 30, 2009 to the
29 Compensation Salary Plan General Fund account in the Department of Administrative
30 and Financial Services after all financial commitments and adjustments have been made
31 to be used for costs associated with collective bargaining agreements for state employees.

32 **Sec. AAA-2. Retroactivity.** This Part applies retroactively to June 30, 2007.

1

PART BBB

2 **Sec. BBB-1. Transfer from the Maine Coastal and Inland Surface Oil**
3 **Clean-up Fund; unexpended funds.** Notwithstanding any other provision of law,
4 the State Controller shall transfer \$184,328 from the Maine Coastal and Inland Surface
5 Oil Clean-up Fund, Other Special Revenue Funds account in the Department of
6 Environmental Protection to the unappropriated surplus of the General Fund no later than
7 June 30, 2009.

8

PART CCC

9 **Sec. CCC-1. 36 MRSA §111, sub-§1-A,** as amended by PL 2007, c. 240, Pt.
10 CCC, §1 and affected by §4, is further amended to read:

11 **1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and
12 amendments to that Code as of ~~December 31, 2006~~ February 13, 2008. -- -

13 **Sec. CCC-2. 36 MRSA §5122, sub-§1, ¶X,** as amended by PL 2007, c. 437,
14 §16, is further amended to read:

15 X. An amount equal to the taxpayer's federal deduction relating to income
16 attributable to domestic production activities claimed in accordance with Section 102
17 of the federal American Jobs Creation Act of 2004, Public Law 108-357; ~~and~~

18 **Sec. CCC-3. 36 MRSA §5122, sub-§1, ¶Y,** as enacted by PL 2007, c. 437, §17
19 and affected by §22, is amended to read:

20 Y. Any amount of allowable deduction claimed for federal purposes in accordance
21 with the election under Section 642(g) of the Code that is also used to determine the
22 taxable estate for purposes of calculating the Maine estate tax under chapter 575-;

23 **Sec. CCC-4. 36 MRSA §5122, sub-§1, ¶Z** is enacted to read:

24 Z. For income tax years beginning on or after January 1, 2008, the amount of any
25 qualified state and local tax benefit and any qualified payment excluded from gross
26 income pursuant to the Code, Section 139(b); and

27 **Sec. CCC-5. 36 MRSA §5122, sub-§1, ¶AA** is enacted to read:

28 AA. For taxable years beginning on or after January 1, 2008 but prior to January 1,
29 2010, an amount equal to the net increase in depreciation attributable to the 50%
30 bonus depreciation deduction claimed by the taxpayer pursuant to Section 103 of the
31 Economic Stimulus Act of 2008, Public Law 110-185 with respect to property placed
32 in service during the taxable year.

33 **Sec. CCC-6. 36 MRSA §5122, sub-§2, ¶Y,** as enacted by PL 2007, c. 466, Pt.
34 A, §68 and affected by §70, is amended to read:

35 Y. The portion of contributions to a qualified tuition program established under
36 Section 529 of the Code up to \$250 per designated beneficiary. This deduction may
37 not be claimed on returns when federal adjusted gross income exceeds \$100,000 for

1 returns with a filing status of single or married filing separately or \$200,000 for
2 returns with a filing status of married joint or head of household; ~~and~~

3 **Sec. CCC-7. 36 MRSA §5122, sub-§2, ¶Z**, as enacted by PL 2007, c. 466, Pt.
4 A, §69, is amended to read:

5 Z. For income tax years beginning on or after January 1, 2006, to the extent included
6 in federal adjusted gross income and not otherwise removed from Maine taxable
7 income, an amount equal to the total of capital gains and ordinary income resulting
8 from depreciation recapture determined in accordance with the Code, Sections 1245
9 and 1250 that is realized upon the sale of property certified as multifamily affordable
10 housing property by the Maine State Housing Authority in accordance with Title 30-
11 A, section 4722, subsection 1, paragraph AA; ~~and~~

12 **Sec. CCC-8. 36 MRSA §5122, sub-§2, ¶AA**, is enacted to read:

13 AA. For taxable years beginning on or after January 1, 2009, an amount equal to the
14 net decrease in the depreciation deductions allowable under sections 167 and 168 of
15 the Code that would have been applicable to that property had the 50% bonus
16 depreciation deduction under Section 103 of the Economic Stimulus Act of 2008,
17 Public Law 110-185 not been claimed with respect to such property for which an
18 addition was required under subsection 1, paragraph AA in a prior year.

19 Upon the taxable disposition of property to which this paragraph applies, the amount
20 of any gain or loss includable in federal adjusted gross income must be adjusted for
21 Maine income tax purposes by an amount equal to the difference between the
22 addition modification for such property under subsection 1, paragraph AA and the
23 subtraction modifications allowed pursuant to this paragraph.

24 The total amount of subtraction claimed for property under this paragraph for all tax
25 years may not exceed the addition modification under subsection 1, paragraph AA for
26 the same property.

27 **Sec. CCC-9. 36 MRSA §5125, sub-§3, ¶D**, as enacted by PL 2003, c. 390, §34,
28 is amended to read:

29 D. Reduced by any amount attributable to interest or expenses incurred in the
30 production of income exempt from tax under this Part; ~~and~~

31 **Sec. CCC-10. 36 MRSA §5125, sub-§3, ¶E**, as enacted by PL 2003, c. 390,
32 §34, is amended to read:

33 E. Reduced by the amount attributable to any contribution that qualified for and was
34 actually utilized as a credit under section 5216-C; ~~and~~

35 **Sec. CCC-11. 36 MRSA §5125, sub-§3, ¶F** is enacted to read:

36 F. For taxable years beginning on or after January 1, 2008, reduced by the amount of
37 any deduction claimed pursuant to the Code, Section 163(h)(3)(E) for mortgage
38 insurance premiums.

39 **Sec. CCC-12. 36 MRSA §5164, sub-§1**, as amended by PL 1999, c. 708, §38, is
40 further amended to read:

1 **1. Fiduciary adjustment defined.** The fiduciary adjustment is the net amount of the
2 modifications described in section 5122, including subsection 3 if the estate or trust is a
3 beneficiary of another estate or trust, which relates to items of income or deduction of an
4 estate or trust. Income taxes imposed by this State or any other taxing jurisdiction,
5 mortgage insurance premiums paid or accrued on or after January 1, 2008 and claimed as
6 a deduction pursuant to the Code, Section 163(h)(3)(E) and interest or expenses incurred
7 in the production of income exempt from tax under this Part deducted in arriving at
8 federal taxable income must be added back to the fiduciary adjustment. Interest or
9 expenses incurred in the production of income taxable under this Part but exempt from
10 federal income tax must be subtracted from the fiduciary adjustment.

11 **Sec. CCC-13. 36 MRSA §5200-A, sub-§1, ¶P**, as amended by PL 2005, c. 12,
12 Pt. P, §8, is further amended to read:

13 P. The amount of the loan repayment included in the credit base of the recruitment
14 credit under section 5219-V to the extent that the contribution has been used to adjust
15 federal taxable income; ~~and~~

16 **Sec. CCC-14. 36 MRSA §5200-A, sub-§1, ¶S**, as enacted by PL 2005, c. 12,
17 Pt. P, §9 and affected by §10, is amended to read:

18 S. An amount equal to the taxpayer's federal deduction relating to income
19 attributable to domestic production activities claimed in accordance with Section 102
20 of the federal American Jobs Creation Act of 2004, Public Law 108-357; and

21 **Sec. CCC-15. 36 MRSA §5200-A, sub-§1, ¶T** is enacted to read:

22 T. For taxable years beginning on or after January 1, 2008 but prior to January 1,
23 2010, an amount equal to the net increase in depreciation attributable to the 50%
24 bonus depreciation deduction claimed by the taxpayer pursuant to Section 103 of the
25 Economic Stimulus Act of 2008, Public Law 110-185 with respect to property placed
26 in service during the taxable year.

27 **Sec. CCC-16. 36 MRSA §5200-A, sub-§2, ¶P**, as amended by PL 2005, c. 644,
28 §9, is further amended to read:

29 P. For income tax years beginning on or after January 1, 2015, the gain attributable
30 to the sale of sustainably managed, eligible timberlands as calculated pursuant to this
31 paragraph.

32 (1) As used in this paragraph, unless the context otherwise indicates, the
33 following terms have the following meanings.

34 (a) "Commercial harvesting" or "commercially harvested" means the
35 harvesting of forest products that have commercial value.

36 (b) "Eligible timberlands" means land of at least 10 acres located in
37 the State and used primarily for the growth of trees to be commercially
38 harvested. Land that would otherwise be included within this
39 definition may not be excluded because of:

40 (i) Use of the land for multiple public recreation activities;

- 1 (ii) Statutory or governmental restrictions that prevent commercial
2 harvesting of trees or require a primary use of the land other than
3 commercial harvesting;
- 4 (iii) Deed restrictions, restrictive covenants or organizational charters
5 that prevent commercial harvesting of trees or require a primary use of
6 land other than commercial harvesting and that were effective prior to
7 January 1, 1982; or
- 8 (iv) Past or present multiple use for mineral exploration.
- 9 (c) "Forest products that have commercial value" means logs,
10 pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings,
11 biomass, fuel wood, Christmas trees, maple syrup, nursery products
12 used for ornamental purposes, wreaths, bough material or cones or
13 other seed products.
- 14 (d) "Sustainably managed" means:
- 15 (i) A forest management and harvest plan, as defined in section 573,
16 subsection 3-A, has been prepared for the eligible timberlands and has
17 been in effect for the entire time period used to compute the amount of
18 the subtraction modification under this paragraph; and
- 19 (ii) The taxpayer has received a written statement from a licensed
20 forester certifying that, as of the time of the sale, the eligible timberlands
21 have been managed in accordance with the plan under subdivision (i)
22 during that period.
- 23 (2) To the extent included in the taxpayer's taxable income under the laws of the
24 United States, the taxable income of the taxpayer under the laws of the United
25 States must be decreased by:
- 26 (a) For eligible timberlands held by the taxpayer for at least a 10-year
27 period beginning on or after January 1, 2005 but less than an 11-year
28 period beginning on or after January 1, 2005, 1/15 of the gain
29 recognized on the sale of the eligible timberlands;
- 30 (b) For eligible timberlands held by the taxpayer for at least an 11-
31 year period beginning on or after January 1, 2005 but less than a 12-
32 year period beginning on or after January 1, 2005, 2/15 of the gain
33 recognized on the sale of the eligible timberlands;
- 34 (c) For eligible timberlands held by the taxpayer for at least a 12-year
35 period beginning on or after January 1, 2005 but less than a 13-year
36 period beginning on or after January 1, 2005, 1/5 of the gain
37 recognized on the sale of the eligible timberlands;
- 38 (d) For eligible timberlands held by the taxpayer for at least a 13-year
39 period beginning on or after January 1, 2005 but less than a 14-year

- 1 period beginning on or after January 1, 2005, $\frac{4}{15}$ of the gain
2 recognized on the sale of the eligible timberlands;
- 3 (e) For eligible timberlands held by the taxpayer for at least a 14-year
4 period beginning on or after January 1, 2005 but less than a 15-year
5 period beginning on or after January 1, 2005, $\frac{1}{3}$ of the gain
6 recognized on the sale of the eligible timberlands;
- 7 (f) For eligible timberlands held by the taxpayer for at least a 15-year
8 period beginning on or after January 1, 2005 but less than a 16-year
9 period beginning on or after January 1, 2005, $\frac{2}{5}$ of the gain
10 recognized on the sale of the eligible timberlands;
- 11 (g) For eligible timberlands held by the taxpayer for at least a 16-year
12 period beginning on or after January 1, 2005 but less than a 17-year
13 period beginning on or after January 1, 2005, $\frac{7}{15}$ of the gain
14 recognized on the sale of the eligible timberlands;
- 15 (h) For eligible timberlands held by the taxpayer for at least a 17-year
16 period beginning on or after January 1, 2005 but less than an 18-year
17 period beginning on or after January 1, 2005, $\frac{8}{15}$ of the gain
18 recognized on the sale of the eligible timberlands;
- 19 (i) For eligible timberlands held by the taxpayer for at least an 18-
20 year period beginning on or after January 1, 2005 but less than a 19-
21 year period beginning on or after January 1, 2005, $\frac{3}{5}$ of the gain
22 recognized on the sale of the eligible timberlands;
- 23 (j) For eligible timberlands held by the taxpayer for at least a 19-year
24 period beginning on or after January 1, 2005 but less than a 20-year
25 period beginning on or after January 1, 2005, $\frac{2}{3}$ of the gain
26 recognized on the sale of the eligible timberlands;
- 27 (k) For eligible timberlands held by the taxpayer for at least a 20-year
28 period beginning on or after January 1, 2005 but less than a 21-year
29 period beginning on or after January 1, 2005, $\frac{11}{15}$ of the gain
30 recognized on the sale of the eligible timberlands;
- 31 (l) For eligible timberlands held by the taxpayer for at least a 21-year
32 period beginning on or after January 1, 2005 but less than a 22-year
33 period beginning on or after January 1, 2005, $\frac{4}{5}$ of the gain
34 recognized on the sale of the eligible timberlands;
- 35 (m) For eligible timberlands held by the taxpayer for at least a 22-
36 year period beginning on or after January 1, 2005 but less than a 23-
37 year period beginning on or after January 1, 2005, $\frac{13}{15}$ of the gain
38 recognized on the sale of the eligible timberlands;

1 (n) For eligible timberlands held by the taxpayer for at least a 23-year
2 period beginning on or after January 1, 2005 but less than a 24-year
3 period beginning on or after January 1, 2005, 14/15 of the gain
4 recognized on the sale of the eligible timberlands; or

5 (o) For eligible timberlands held by the taxpayer for at least a 24-year
6 period beginning on or after January 1, 2005, all of the gain recognized
7 on the sale of the eligible timberlands.

8 (3) Taxpayers claiming this credit must attach a sworn statement from a forester
9 licensed pursuant to Title 32, chapter 76 that the timberlands for which the credit
10 is claimed have been managed sustainably. For the purposes of this
11 subparagraph, "sustainably" means that the timberlands for which the credit is
12 claimed have been managed to protect soil productivity and to maintain or
13 improve stand productivity and timber quality; known occurrences of threatened
14 or endangered species and rare or exemplary natural communities; significant
15 wildlife habitat and essential wildlife habitat; and water quality, wetlands and
16 riparian zones. Upon request of the State Tax Assessor, the Director of the Bureau
17 of Forestry within the Department of Conservation may provide assistance in
18 determining whether timberlands for which the credit is claimed have been
19 managed sustainably. When assistance is requested under this subparagraph, the
20 director or the director's designee may enter and examine the timberlands for the
21 purpose of determining whether the timberlands have been managed sustainably.

22 In the case of timberlands owned by an entity that is treated as a pass-through entity
23 for income tax purposes, the land must be treated as eligible timberland if ownership
24 and use of the land by the pass-through entity satisfies the requirements of this
25 paragraph. If the owner of the eligible timberlands is an S corporation, the taxpayer
26 must subtract the owner's pro rata share of the gain. If the owner of the timberlands
27 is a partnership or limited liability company taxed as a partnership, the taxpayer must
28 subtract the taxpayer's distributive share of the gain, subject to the percentage
29 limitations provided in this paragraph.

30 This modification may not reduce Maine taxable income to less than zero. To the
31 extent this modification results in Maine taxable income that is less than zero for the
32 taxable year, the excess negative modification amount may be carried forward and
33 applied as a subtraction modification for up to 10 taxable years. The entire amount of
34 the excess negative modification must be carried to the earliest of the taxable years to
35 which, by reason of this subsection, the negative modification may be carried and
36 then to each of the other taxable years to the extent the unused negative modification
37 is not used for a prior taxable year. Earlier carry-forward modifications must be used
38 before newer modifications generated in later years; ~~and~~

39 **Sec. CCC-17. 36 MRS**A §5200-A, sub-§2, ¶Q, as enacted by PL 2005, c. 644,
40 §10, is amended to read:

41 Q. For income tax years beginning on or after January 1, 2006, to the extent
42 included in federal taxable income and not otherwise removed from Maine taxable
43 income, an amount equal to the total of capital gains and ordinary income resulting

1 from depreciation recapture determined in accordance with the Code, Sections 1245
2 and 1250 that is realized upon the sale of property certified as multifamily affordable
3 housing property by the Maine State Housing Authority in accordance with Title 30-
4 A, section 4722, subsection 1, paragraph AA-; and

5 **Sec. CCC-18. 36 MRSA §5200-A, sub-§2, ¶R** is enacted to read:

6 R. For taxable years beginning on or after January 1, 2009, an amount equal to the
7 net decrease in the depreciation deductions allowable under sections 167 and 168 of
8 the Code that would have been applicable to that property had the 50% bonus
9 depreciation deduction under Section 103 of the Economic Stimulus Act of 2008,
10 Public Law 110-185 not been claimed with respect to such property for which an
11 addition was required under subsection 1, paragraph T in a prior year.

12 Upon the taxable disposition of property to which this paragraph applies, the amount
13 of any gain or loss includable in federal adjusted gross income must be adjusted for
14 Maine income tax purposes by an amount equal to the difference between the
15 addition modification for such property under subsection 1, paragraph T and the
16 subtraction modifications allowed pursuant to this paragraph.

17 The total amount of subtraction claimed for property under this paragraph for all tax
18 years may not exceed the addition modification under subsection 1, paragraph T for
19 the same property.

20 **Sec. CCC-19. Application.** That section of this Part that amends the Maine
21 Revised Statutes, Title 36, section 111, subsection 1-A applies to tax years beginning on
22 or after January 1, 2007 and to any prior years as specifically provided by the United
23 States Internal Revenue Code of 1986, as amended.

24 **PART DDD**

25 **Sec. DDD-1. 36 MRSA §2551, sub-§1-A,** as enacted by PL 2005, c. 12, Pt. VV,
26 §1, is amended to read:

27 **1-A. Community support services for persons with mental health diagnoses.**
28 "Community support services for persons with mental health diagnoses" means
29 rehabilitative services provided to adults at least 18 years of age or to emancipated
30 children that are provided in the context of a supportive relationship pursuant to an
31 individual support plan that promotes a person's recovery and integration of the person
32 into the community and that sustain the person in that person's current living situation or
33 another living situation of that person's choice. "Community support services for persons
34 with mental health diagnoses" ~~include~~ includes only those services provided by a
35 designated community support services provider licensed by and operating under a
36 contract with the Department of Health and Human Services for such services, whether
37 the provider is reimbursed through participation in the MaineCare program or with state
38 grant funds. "Community support services for persons with mental health diagnoses"
39 includes only those services provided to persons with mental health diagnoses.

40 **Sec. DDD-2. 36 MRSA §2551, sub-§1-B,** as enacted by PL 2005, c. 386, Pt. S,
41 §1 and affected by §9, is amended to read:

- 1 **1-B. Community support services for persons with mental retardation or**
2 **autism.** "~~Day habilitation~~ Community support services for persons with mental
3 retardation or autism" means services:
- 4 A. That are provided by community-based agencies to children or adults with mental
5 retardation or autism and include assistance with the acquisition, retention or
6 improvement of self-help, socialization and adaptive living skills; and
- 7 B. That take place in a nonresidential setting separate from the home or facility in
8 which the child or adult resides, except when a physician has ordered that such
9 services be provided in the child's or adult's home, and focus on enabling the child or
10 adult to attain or maintain maximum functional levels.
- 11 "~~Day habilitation~~ Community support services for persons with mental retardation or
12 autism" includes only those services provided by designated agencies under a contract
13 with the Department of Health and Human Services.
- 14- **Sec. DDD-3. 36 MRSA §2551, sub-§7-B**, as enacted by PL 2005, c. 386, Pt. S,
15 §2 and affected by §9, is amended to read:
- 16 **7-B. Home support services.** "~~Personal~~ Home support services" means services
17 provided to ~~children or~~ adults with mental retardation or autism, including direct
18 assistance with eating, bathing, dressing, personal hygiene and other activities of daily
19 living. These services include only those services provided by designated agencies under
20 a contract with the Department of Health and Human Services and:
- 21 A. May include assistance with instrumental activities of daily living such as
22 assistance with the preparation of meals, but does not include the cost of the meals
23 themselves;
- 24 B. If specified in the ~~child's or~~ adult's care plan, may include such housekeeping
25 chores as bed making, dusting and vacuuming that are incidental to the care
26 furnished, or are essential to the health and welfare of ~~the child or~~ the adult; and
- 27 C. May be provided by a provider unrelated to ~~the child or~~ the adult or by an adult
28 relative other than an adult recipient's spouse, but may not be provided in the same
29 setting where residential training is provided.
- 30 **Sec. DDD-4. 36 MRSA §2551, sub-§13-A**, as enacted by PL 2005, c. 386, Pt. S,
31 §3 and affected by §9, is repealed.
- 32 **Sec. DDD-5. 36 MRSA §2552, sub-§1, ¶H**, as amended by PL 2005, c. 386, Pt.
33 S, §5 and affected by §9, is further amended to read:
- 34 H. Community support services for persons with mental health diagnoses;
- 35 **Sec. DDD-6. 36 MRSA §2552, sub-§1, ¶I**, as enacted by PL 2005, c. 386, Pt. S,
36 §6 and affected by §9, is amended to read:
- 37 I. ~~Day habilitation~~ Community support services for persons with mental retardation
38 or autism; and
- 39 **Sec. DDD-7. 36 MRSA §2552, sub-§1, ¶J**, as enacted by PL 2005, c. 386, Pt. S,
40 §6 and affected by §9, is amended to read:

1 J. ~~Personal Home~~ support services; ~~and,~~

2 **Sec. DDD-8. 36 MRSA §2552, sub-§1, ¶K,** as enacted by PL 2005, c. 386, Pt.
3 S, §6 and affected by §9, is repealed.

4 **Sec. DDD-9. 36 MRSA §2559,** as amended by PL 2005, c. 386, Pt. S, §7 and
5 affected by §9, is further amended to read:

6 **§2559. Application of revenues**

7 Revenues derived by the tax imposed by this chapter must be credited to a General
8 Fund suspense account. On or before the last day of each month, the State Controller
9 shall transfer a percentage of the revenues received by the State Tax Assessor during the
10 preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A
11 to F to the Local Government Fund as provided by Title 30-A, section 5681, subsection 5.
12 The balance remaining in the General Fund suspense account must be transferred to
13 service provider tax General Fund revenue. On or before the 15th day of each month, the
14 State Controller shall transfer all revenues received by the assessor during the preceding
15 month pursuant to the tax imposed by section 2552, subsection 1, paragraphs G to ~~K~~ J to
16 the Medical Care Services Other Special Revenue Funds account, the Other Special
17 Revenue Funds Mental Health Services - Community Medicaid program, the Medicaid
18 Services - Mental Retardation program and the Office of Substance Abuse - Medicaid
19 Seed program within the Department of Health and Human Services.

20 **PART EEE**

21 **Sec. EEE-1. Transfer from Personal Services to All Other; Dorothea Dix**
22 **Psychiatric Center.** Notwithstanding the Maine Revised Statutes, Title 5, section
23 1585 or any other provision of law, beginning in fiscal year 2008-09 the available
24 unencumbered balance at the end of each fiscal year in the Personal Services line
25 category in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund
26 account may be transferred to All Other by financial order upon recommendation of the
27 State Budget Officer and approval of the Governor.

28 **Sec. EEE-2. Transfer from Personal Services to All Other; Riverview**
29 **Psychiatric Center.** Notwithstanding the Maine Revised Statutes, Title 5, section
30 1585 or any other provision of law, beginning in fiscal year 2008-09 the available
31 unencumbered balance at the end of each fiscal year in the Personal Services line
32 category in the Disproportionate Share - Riverview Psychiatric Center General Fund
33 account may be transferred to All Other by financial order upon recommendation of the
34 State Budget Officer and approval of the Governor.

35 **PART FFF**

36 **Sec. FFF-1. Calculation and transfer, General Fund savings; position**
37 **reductions; department reorganization; Department of Health and Human**
38 **Services.** Notwithstanding any other provision of law, the State Budget Officer shall
39 calculate the amount of savings from the position eliminations in section 2 in the
40 Department of Health and Human Services resulting from a departmentwide

1 reorganization that applies to each applicable General Fund or other account in the
 2 department and shall transfer the amounts by financial order upon the approval of the
 3 Governor. These transfers are considered adjustments to appropriations and allocations
 4 in fiscal year 2008-09.

5 **Sec. FFF-2. Report.** The Department of Health and Human Services shall
 6 provide a report detailing the new organizational structure of the department, the specific
 7 positions eliminated and any necessary legislation to implement the reorganization to the
 8 First Regular Session of the 124th Legislature by December 12, 2008.

9 **Sec. FFF-3. Appropriations and allocations.** The following appropriations
 10 and allocations are made.

11 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

12 **Departmentwide 0640**

13 Initiative: Eliminates 21 positions and reduces funding as part of a departmentwide
 14 reorganization.

16 GENERAL FUND	2007-08	2008-09
17 POSITIONS - LEGISLATIVE COUNT	0.000	(20.000)
18 Personal Services	\$0	(\$1,475,290)
19 All Other	\$0	(\$141,457)
20	\$0	(\$1,616,747)
21 GENERAL FUND TOTAL		

23 OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
24 POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
25 Personal Services	\$0	(\$102,457)
26	\$0	(\$102,457)
27 OTHER SPECIAL REVENUE FUNDS TOTAL		

28 **PART GGG**

29 **Sec. GGG-1. Request for proposal.** Notwithstanding any other provision of
 30 law, the Commissioner of Administrative and Financial Services shall issue a request for
 31 proposal for an independent and unbiased evaluation of economic development programs
 32 and tax incentives implemented throughout State Government, including programs
 33 identified by the Office of Program Evaluation and Governmental Accountability, tax
 34 credits and any other programs identified by other entities. All state agencies shall
 35 cooperate with the Commissioner of Administrative and Financial Services and the
 36 contractor selected to conduct the evaluation.

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 that expenditures will exceed the funds available to provide Medicaid coverage
2 pursuant to this paragraph, the commissioner must adjust the income eligibility limit
3 for new applicants to the extent necessary to operate the program within the program
4 budget. If, after an adjustment has occurred pursuant to this paragraph, expenditures
5 fall below the program budget, the commissioner must raise the income eligibility
6 limit to the extent necessary to provide services to as many eligible persons as
7 possible within the fiscal constraints of the program budget, as long as the income
8 limit does not exceed 200% of the nonfarm income official poverty line; and

9 **Sec. HHH-2. 24-A MRSA §6914**, as amended by PL 2005, c. 400, Pt. A, §14, is
10 repealed.

11 **Sec. HHH-3. MaineCare childless adult waiver; expenditure cap.** The
12 Commissioner of Health and Human Services shall continue initiatives to control
13 spending in the MaineCare childless adult waiver program until the program's spending
14 is reduced to and maintained at a level that does not exceed \$57,000,000 in combined
15 annual federal and state spending.

16 **Sec. HHH-4. Appropriations and allocations.** The following appropriations
17 and allocations are made.

18 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

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

20 Initiative: Reduces funding by managing enrollment in the childless adult waiver
21 program and maximizing the use of the federal allocation in the Qualified Individual
22 program and other efficiencies in the MaineCare program. This initiative relates to the
23 curtailments ordered in Financial Order 003806 F8.

24			
25	GENERAL FUND	2007-08	2008-09
26	All Other	(\$392,911)	(\$8,138,324)
27		<hr/>	<hr/>
28	GENERAL FUND TOTAL	(\$392,911)	(\$8,138,324)

29			
30	FEDERAL EXPENDITURES FUND	2007-08	2008-09
31	All Other	(\$677,691)	(\$14,553,225)
32		<hr/>	<hr/>
33	FEDERAL EXPENDITURES FUND TOTAL	(\$677,691)	(\$14,553,225)

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

35 Initiative: Reduces funds to reflect a reduction in the eligibility level from 200% to 125%
36 of the federal poverty level for the parents of MaineCare-eligible children.

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1			
2			
3	GENERAL FUND	2007-08	2008-09
4	All Other	\$0	(\$8,002,702)
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$8,002,702)</u>
7			
8	FEDERAL EXPENDITURES FUND	2007-08	2008-09
9	All Other	\$0	(\$21,909,621)
10			
11	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$21,909,621)</u>
12			
13	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
14	All Other	\$0	(\$4,699,500)
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$4,699,500)</u>

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

18 Initiative: Reduces funding from continuing initiatives to control spending in the
 19 childless adult waiver program until the program's spending is reduced to and maintained
 20 at a level that does not exceed \$57,000,000 in combined annual federal and state
 21 spending.

22			
23	GENERAL FUND	2007-08	2008-09
24	All Other	\$0	(\$3,945,700)
25			
26	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$3,945,700)</u>
27			
28	FEDERAL EXPENDITURES FUND	2007-08	2008-09
29	All Other	\$0	(\$7,055,400)
30			
31	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$7,055,400)</u>

1	HEALTH AND HUMAN SERVICES,		
2	DEPARTMENT OF (FORMERLY DHS)		
3	DEPARTMENT TOTALS	2007-08	2008-09
4			
5	GENERAL FUND	(\$392,911)	(\$20,086,726)
6	FEDERAL EXPENDITURES FUND	(\$677,691)	(\$43,518,246)
7	OTHER SPECIAL REVENUE FUNDS	\$0	(\$4,699,500)
8			
9	DEPARTMENT TOTAL - ALL FUNDS	(\$1,070,602)	(\$68,304,472)

10 **PART III**

11 **Sec. III-1. Calculation and transfer; General Fund savings for**
 12 **cooperative agreement with University of Maine System; Department of**
 13 **Health and Human Services.** Notwithstanding any other provision of law, the State
 14 Budget Officer shall calculate the amount of projected savings in section 2 in the
 15 Department of Health and Human Services related to reducing the services provided
 16 through the cooperative agreement with the University of Maine System that applies to
 17 each applicable General Fund account in the department and shall transfer the amounts by
 18 financial order upon the approval of the Governor. These transfers are considered
 19 adjustments to appropriations in fiscal year 2008-09.

20 **Sec. III-2. Appropriations and allocations.** The following appropriations and
 21 allocations are made.

22 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

23 **Departmentwide 0640**

24 Initiative: Reduces funding by reducing the services provided through University of
 25 Maine System cooperative agreements.

26			
27	GENERAL FUND	2007-08	2008-09
28	All Other	\$0	(\$1,000,000)
29			
30	GENERAL FUND TOTAL	\$0	(\$1,000,000)

31 **PART JJJ**

32 **Sec. JJJ-1. Calculation and transfer; consolidation of outpatient services;**
 33 **Department of Health and Human Services.** Notwithstanding any other provision

1 of law, the State Budget Officer shall calculate the amount of projected savings in section
 2 2 in the Department of Health and Human Services related to consolidating outpatient
 3 services into one section of MaineCare that applies to each applicable General Fund
 4 account in the department and shall transfer the amounts by financial order upon the
 5 approval of the Governor. These transfers are considered adjustments to appropriations
 6 in fiscal year 2008-09.

7 **Sec. JJJ-2. Appropriations and allocations.** The following appropriations and
 8 allocations are made.

9 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

10 **Departmentwide 0019**

11 Initiative: Reduces funding for outpatient mental health and substance abuse services in
 12 MaineCare. The Department of Health and Human Services and the providers of services
 13 shall collaborate and reach agreement on reimbursement changes that will produce
 14 savings to the General Fund of \$1,000,000 in fiscal year 2008-09. If no agreement is
 15 reached by June 1, 2008, the department shall adopt rules on an emergency basis to
 16 achieve \$1,000,000 of savings to the General Fund for outpatient mental health and
 17 substance abuse costs by consolidating outpatient services into one section of MaineCare.
 18 The corresponding federal match reduction is in the Medical Care - Payments to
 19 Providers program.

21	GENERAL FUND	2007-08	2008-09
22	All Other	\$0	(\$1,000,000)
23			
24	GENERAL FUND TOTAL	\$0	(\$1,000,000)

25 **PART KKK**

26 **Sec. KKK-1. 36 MRSA §1951-A, sub-§3** is enacted to read:

27 **3. Reporting tax on casual rentals on individual income tax returns.** A person
 28 whose only sales tax collection responsibility under this Title is the collection of sales tax
 29 on casual rentals of living quarters pursuant to section 1764 and whose sales tax liability
 30 in connection with those rentals during the period of the individual's income tax return is
 31 expected to be less than \$2,000 may report and pay that sales tax on the person's Maine
 32 individual income tax return for that year in lieu of filing reports under subsection 1. If
 33 the person's actual liability for the year is \$2,000 or more, the person must file reports as
 34 required under subsection 1 during the succeeding year.

35 **PART LLL**

36 **Sec. LLL-1. Commissioner of Conservation; camping fee.** Pursuant to the
 37 Maine Revised Statutes, Title 12, section 1819, the Commissioner of Conservation shall
 38 increase the camping fee for nonresidents by \$5 per night. Additionally, the

1 commissioner shall institute a procedure whereby the 7% meals and lodging tax is
2 charged separately and in addition to the per night camping fee for both residents and
3 nonresidents.

4 **PART MMM**

5 **Sec. MMM-1. Transfer from Fund for Efficient Delivery of Local and**
6 **Regional Services.** Notwithstanding the Maine Revised Statutes, Title 30-A, section
7 5681, subsection 5-B or any other provision of law, the State Controller shall transfer
8 \$500,000 from the Fund for the Efficient Delivery of Local and Regional Services to the
9 unappropriated surplus of the General Fund no later than June 30, 2008 and transfer
10 \$400,000 from the Fund for the Efficient Delivery of Local and Regional Services to the
11 unappropriated surplus of the General Fund no later than June 30, 2009.

12 **PART NNN**

13 **Sec. NNN-1. 22 MRSA §3174-G, sub-§1-D** is enacted to read:

14 **1-D. Enrollment fee.** The department may assess an annual enrollment fee of \$25
15 for participation in the MaineCare program for a family including a parent or caretaker
16 relative of a child described in subsection 1, paragraph B or D when the family's income
17 exceeds 150% of the nonfarm income official poverty line.

18 **PART OOO**

19 **Sec. OOO-1. Transfer from Other Special Revenue Funds to**
20 **unappropriated surplus of the General Fund.** Notwithstanding any other provision
21 of law, the State Controller shall transfer \$10,200,000 in fiscal year 2007-08 from Other
22 Special Revenue Funds to the unappropriated surplus of the General Fund no later than
23 June 30, 2008. On July 1, 2008, the State Controller shall transfer \$10,200,000 from the
24 General Fund unappropriated surplus along with interest to Other Special Revenue Funds
25 as repayment. This transfer is considered an interfund advance to be repaid with interest
26 compounded annually at the earnings rate within the Treasurer of State's cash pool on the
27 date of the advance.

28 **PART PPP**

29 **Sec. PPP-1. 25 MRSA §1541, sub-§6,** as amended by PL 2003, c. 451, Pt. S, §1,
30 is further amended to read:

31 **6. Establishment of fees.** The State Bureau of Identification may charge a fee to
32 individuals, nongovernmental organizations, governmental organizations that are engaged
33 in licensing and governmental organizations that are not a governmental entity of the
34 State, a county of the State or a municipality of the State for each criminal history record
35 check requested for noncriminal justice purposes pursuant to Title 16, chapter 3,
36 subchapter 8. The requestor shall provide a name and date of birth for each record being
37 requested. A request made pursuant to 5 United States Code, Section 9101 must be

1 accompanied by fingerprints. A governmental organization that is engaged in licensing
2 may charge an applicant for the cost of the criminal history record check. The
3 commissioner shall establish a schedule of fees that covers the cost of providing these
4 services. Revenues One dollar of each fee generated under this subsection must be
5 deposited to the Other Special Revenue account within the Bureau of State Police to
6 offset the cost of maintenance and replacement of both hardware and software associated
7 with the criminal history record check system. The remaining revenues generated from
8 these fees must be credited to the General Fund.

9 **Sec. PPP-2. Increase in fee schedule for criminal history record check.**
10 Pursuant to the authority granted under the Maine Revised Statutes, Title 25, section
11 1541, subsection 6, the Commissioner of Public Safety shall adjust the fee schedule for
12 criminal history record checks requested for noncriminal justice purposes in such
13 amounts necessary to result in an estimated \$533,174 increase in additional undedicated
14 revenue to the General Fund in fiscal year 2008-09.

15 **PART QQQ**

16 **Sec. QQQ-1. 28-A MRSA §1361, sub-§2,** as amended by PL 2001, c. 20, §1, is
17 further amended to read:

18 **2. Fee for certificate of approval.** The fee for a certificate of approval is ~~\$600~~
19 \$1,000 per year for malt liquor only and ~~\$600~~ \$1,000 for wine only, except that the fee
20 for a manufacturer or foreign wholesaler of wine who ships 120 gallons of wine or less
21 per year is \$100. Payment of the fee must accompany the application for the certificate.

22 **Sec. QQQ-2. 28-A MRSA §1551, sub-§1,** as enacted by PL 1987, c. 342, §114,
23 is amended to read:

24 **1. Certificate of approval.** The license fees for certificates of approval are:

25 A. For malt liquor (one year)..... ~~\$600~~ \$1,000; and

26 B. For wine (one year).....~~\$600~~ \$1,000.

27 **PART RRR**

28 **Sec. RRR-1. 26 MRSA §2031, sub-§8,** as enacted by PL 1995, c. 665, Pt. DD,
29 §5 and affected by §12, is amended to read:

30 **8. Eligibility for funding.** Applicants eligible to receive funding from the program
31 include, but are not limited to, employers, regional and local economic development
32 agencies or partnerships, community-based organizations, job training service providers,
33 registered apprenticeship service providers, local adult education providers and
34 postsecondary education institutions.

35 An applicant that is not a business shall demonstrate, in partnership with a business or a
36 consortium of businesses, the ability to link training services with actual job creation,
37 expansion, upgrade or retention. Training provided under this section is considered
38 approved training under the unemployment insurance laws and the laws regarding
39 dislocated workers administered by the Department of Labor.

1 Training funds authorized under this section must be paid to the employer on a
2 reimbursement basis. Reimbursement may not exceed \$800 for each newly hired
3 employee or \$350 for each incumbent employee who is trained.

4 **PART SSS**

5 **Sec. SSS-1. 34-A MRSA §1210-B, sub-§3**, as enacted by PL 2007, c. 377, §12
6 and affected by §17, is amended to read:

7 **3. Distribution.** Beginning July 1, 2008 and annually thereafter, the department
8 shall distribute to the counties amounts to be dedicated to the Community Corrections
9 Fund under subsection 1 and to the County Jail Prisoner Support Fund under subsection
10 2. The department ~~shall~~ may distribute amounts to each county based on each county's
11 percentage of statewide jail inmate days, which must be calculated for the last fiscal year
12 for which data is available. ~~If a county's percentage results in a lower subsidy than it~~
13 ~~received pursuant to former section 1210-A, that county may not receive a reduction. If~~
14 ~~the county's percentage results in a subsidy higher than it received pursuant to former~~
15 ~~section 1210-A, that county must receive an increase in funding in proportion to available~~
16 ~~funding to move the entire county jail system toward greater equity.~~

17 **Sec. SSS-2. Transfers and adjustments to position count.** The
18 Commissioner of Corrections shall review the current organizational structure to improve
19 organizational efficiency and cost-effectiveness. Notwithstanding any other provision of
20 law, the State Budget Officer shall transfer position counts and available balances by
21 financial order upon approval of the Governor in order to achieve the purposes of this
22 section. These transfers are considered adjustments to authorized position count,
23 appropriations and allocations in fiscal year 2007-08 and fiscal year 2008-09. The State
24 Budget Officer shall provide the joint standing committee of the Legislature having
25 jurisdiction over appropriations and financial affairs a report of the transferred amounts
26 no later than January 15, 2009.

27 **PART TTT**

28 **Sec. TTT-1. Calculation and transfer; General Fund central services**
29 **savings.** Notwithstanding any other provision of law, the State Budget Officer shall
30 calculate the amount of projected savings in section 2 that applies against each General
31 Fund account for all departments and agencies from savings in central services from the
32 elimination of audio visual operations and shall transfer the amounts by financial order
33 upon the approval of the Governor. These transfers are considered adjustments to
34 appropriations in fiscal year 2008-09.

35 **Sec. TTT-2. Appropriations and allocations.** The following appropriations
36 and allocations are made.

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

38 **Departments and Agencies - Statewide 0016**

39 Initiative: Reduces funding from a reduction in the rates for the Central Services -
40 Purchases program associated with the elimination of 2 Audio Visual Operation positions

1 that were subsidized by the Postal, Printing and Supply Fund. This is part of the initiative
 2 to streamline State Government in accordance with Public Law 2007, chapter 240, Part
 3 QQQ.

4	GENERAL FUND	2007-08	2008-09
5	All Other	\$0	(\$40,644)
6			
7	GENERAL FUND TOTAL	\$0	(\$40,644)

8 **PART UUU**

9 **Sec. UUU-1. Calculation and transfer; General Fund telecommunications**
 10 **savings.** Notwithstanding any other provision of law, the State Budget Officer shall
 11 calculate the amount of projected savings in section 2 that applies against each General
 12 Fund account for all departments and agencies from savings through the elimination of
 13 desktop phones for those employees who have both a desktop phone and a state-provided
 14 cellular phone, a low volume of call minutes per month on their desk phones and good
 15 cellular coverage in their offices. The State Budget Officer shall transfer the amounts by
 16 financial order upon the approval of the Governor. These transfers are considered
 17 adjustments to appropriations in fiscal year 2008-09.

18 **Sec. UUU-2. Appropriations and allocations.** The following appropriations
 19 and allocations are made.

20 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 21 **Departments and Agencies - Statewide 0016**

22 Initiative: Reduces funding through the elimination of desktop telephones for those
 23 employees who are currently assigned cellular telephones and do not need desktop
 24 telephones for their offices as part of the initiative to streamline State Government in
 25 accordance with Public Law 2007, chapter 240, Part QQQ.

26	GENERAL FUND	2007-08	2008-09
27	All Other	\$0	(\$27,360)
28			
29	GENERAL FUND TOTAL	\$0	(\$27,360)

30 **PART VVV**

31 **Sec. VVV-1. Calculation and transfer; General Fund technology training**
 32 **savings.** Notwithstanding any other provision of law, the State Budget Officer shall

1 calculate the amount of projected savings in section 2 that applies against each General
 2 Fund account for all departments and agencies from savings associated with the
 3 realignment and reduction in training dollars for information technology and shall
 4 transfer the amounts by financial order upon the approval of the Governor. These
 5 transfers are considered adjustments to appropriations in fiscal year 2008-09.

6 **Sec. VVV-2. Appropriations and allocations.** The following appropriations
 7 and allocations are made.

8 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 9 **Departments and Agencies - Statewide 0016**

10 Initiative: Reduces funding from a realignment of training dollars for information
 11 technology to focus training in critical skills for the delivery of information technology
 12 and through a reduction in nonessential training in the Information Services program as
 13 part of the initiative to streamline State Government in accordance with Public Law 2007,
 14 chapter 240, Part QQQ.

15	GENERAL FUND	2007-08	2008-09
16	All Other	\$0	(\$104,500)
17			
18	GENERAL FUND TOTAL	\$0	(\$104,500)

19 **PART WWW**

20 **Sec. WWW-1. Calculation and transfer; General Fund postal and**
 21 **printing savings.** Notwithstanding any other provision of law, the State Budget Officer
 22 shall calculate the amount of projected savings in section 3 that applies against each
 23 General Fund account for all departments and agencies from savings associated with the
 24 elimination of a position and the reduction of All Other expenditures in the Printing,
 25 Postal and Supply Internal Services Fund through the consolidation of the printing and
 26 postal activities currently carried out in the Department of Labor and the Department of
 27 Administrative and Financial Services, Bureau of General Services and Office of
 28 Information Technology. The State Budget Officer shall transfer the amounts by
 29 financial order upon the approval of the Governor. These transfers are considered
 30 adjustments to appropriations in fiscal year 2008-09.

31 **Sec. WWW-2. Position transfers; appropriation and allocation**
 32 **adjustments; postal and printing consolidation.** Notwithstanding any other
 33 provision of law, the Director of the Office of Information Technology within the
 34 Department of Administrative and Financial Services is authorized to transfer by
 35 financial order positions to achieve the consolidation of the postal and printing functions
 36 referenced in section 1. The State Budget Officer shall transfer the amounts by financial
 37 order upon the approval of the Governor. These transfers are considered adjustments to
 38 appropriations and allocations and position counts in fiscal year 2008-09.

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

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

4 **Departments and Agencies - Statewide 0016**

5 Initiative: Reduces funding through the consolidation of printing and postal activities as
6 part of the initiative to streamline State Government in accordance with Public Law 2007,
7 chapter 240, Part QQQ.

1	GENERAL FUND	2007-08	2008-09
2	All Other	\$0	(\$75,816)
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$75,816)</u>

5 **PART XXX**

6 **Sec. XXX-1. Calculation and transfer; General Fund savings from**
7 **general advertising.** The Commissioner of Administrative and Financial Services
8 shall identify and eliminate current contracts for broadcast sponsorships and other
9 advertising that does not have a direct educational benefit to consumers. Notwithstanding
10 any other provision of law, the State Budget Officer shall calculate the amount of the
11 projected savings in section 2 that applies to each General Fund account for all executive
12 branch departments and agencies and shall transfer the amounts by financial order upon
13 approval of the Governor. These transfers are considered adjustments to appropriations
14 in fiscal year 2008-09.

15 **Sec. XXX-2. Appropriations and allocations.** The following appropriations
16 and allocations are made.

17 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
18 **Executive Branch Departments and Independent Agencies - Statewide 0017**

19 Initiative: Reduces funding to reflect savings to the State from executive branch
20 departments and independent agencies statewide from the elimination of contracts for
21 broadcast sponsorships and advertising as part of the initiative to streamline State
22 Government in accordance with Public Law 2007, chapter 240, Part QQQ.

23	GENERAL FUND	2007-08	2008-09
24	All Other	\$0	(\$30,000)
25			
26	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$30,000)</u>

27 **PART YYY**

28 **Sec. YYY-1. Calculation and transfer; General Fund savings from**
29 **employment advertising.** The Commissioner of Administrative and Financial
30 Services shall reduce newspaper advertisements for state employment opportunities to the
31 extent possible and require that all employment opportunities be posted on the Internet
32 instead of in newspapers unless the vacancy is specialized and approval for newspaper

1 advertisement is granted by the Department of Administrative and Financial Services,
2 Bureau of Human Resources. Notwithstanding any other provision of law, the State
3 Budget Officer shall calculate the amount of the projected savings in section 2 that
4 applies to each General Fund account for all executive branch departments and agencies
5 and shall transfer the amounts by financial order upon approval of the Governor. These
6 transfers are considered adjustments to appropriations in fiscal year 2008-09.

7 **Sec. YYY-2. Appropriations and allocations.** The following appropriations
8 and allocations are made.

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

10 **Executive Branch Departments and Independent Agencies - Statewide 0017**

11 Initiative: Reduces funding to departments and agencies statewide for costly newspaper
12 advertisements for state employment opportunities and requires all employment
13 opportunities to be posted on the Internet unless the vacancy is in a specialized position
14 and approval for newspaper advertisement is granted by the Bureau of Human Resources
15 as part of the initiative to streamline State Government in accordance with Public Law
16 2007, chapter 240, Part QQQ.

17	GENERAL FUND	2007-08	2008-09
18	All Other	\$0	(\$200,000)
19			
20	GENERAL FUND TOTAL	\$0	(\$200,000)

21 **PART ZZZ**

22 **Sec. ZZZ-1. Calculation and transfer; General Fund insurance savings.**
23 Notwithstanding any other provision of law, the State Budget Officer shall calculate the
24 amount of projected savings in section 2 that applies against each General Fund account
25 for all departments and agencies from savings in the cost of property insurance and
26 vehicle liability insurance and shall transfer the amounts by financial order upon the
27 approval of the Governor. These transfers are considered adjustments to appropriations
28 in fiscal year 2007-08 and fiscal year 2008-09.

29 **Sec. ZZZ-2. Appropriations and allocations.** The following appropriations
30 and allocations are made.

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

32 **Departments and Agencies - Statewide 0016**

33 Initiative: Reduces funding to reflect savings to the State for the cost of property
34 insurance and vehicle liability insurance through negotiated plan savings and adjustments
35 in coverage as part of the initiative to streamline State Government in accordance with
36 Public Law 2007, chapter 240, Part QQQ.

1	GENERAL FUND	2007-08	2008-09
2	All Other	(\$168,000)	(\$168,000)
3			
4	GENERAL FUND TOTAL	(\$168,000)	(\$168,000)

5 **PART AAAA**

6 **Sec. AAAA-1. Restriction on out-of-state travel.** The Governor shall
 7 implement a policy restricting out-of-state travel for the executive branch to the minimum
 8 necessary to maintain effective operations, except for travel that is:

- 9 1. Directly related to the care of residents, wards, foster children and other
 10 individuals under state care or protection;
- 11 2. Required in the execution of law enforcement investigations, interstate contracts
 12 directly related to the extradition of an individual or the transfer of an individual to or
 13 from a correctional facility;
- 14 3. Directly involved in the securing of revenue or that directly affects revenue; or
- 15 4. Required in emergencies or other extraordinary circumstances.

16 **Sec. AAAA-2. Calculation and transfer; General Fund out-of-state travel**
 17 **savings.** Notwithstanding any other provision of law, the State Budget Officer shall
 18 calculate the amount of projected savings in section 3 that applies against each General
 19 Fund account for all executive branch departments and independent agencies from
 20 savings resulting from a reduction in out-of-state travel under section 1 and shall transfer
 21 the amounts by financial order upon the approval of the Governor. These transfers are
 22 considered adjustments to appropriations in fiscal year 2008-09.

23 **Sec. AAAA-3. Appropriations and allocations.** The following appropriations
 24 and allocations are made.

25 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
 26 **Executive Branch Department and Independent Agencies - Statewide 0017**

27 Initiative: Reduces funding from a reduction in out-of-state travel.

28			
29	GENERAL FUND	2007-08	2008-09
30	All Other	\$0	(\$250,000)
31			
32	GENERAL FUND TOTAL	\$0	(\$250,000)

1

PART BBBB

2

Sec. BBBB-1. 36 MRSA §6201, sub-§1, as amended by PL 2005, c. 2, Pt. E, §1 and affected by §§7 and 8, is further amended to read:

3

4

1. Benefit base. "Benefit base" means property taxes accrued or rent constituting property taxes accrued. In the case of a claimant paying both rent and property taxes for a homestead, benefit base means both property taxes accrued and rent constituting property taxes accrued. The For application periods beginning on or after August 1, 2008, the benefit base may not exceed \$3,000 for single-member households and \$4,000 for households with 2 or more members.

5

6

7

8

9

10

Sec. BBBB-2. 36 MRSA §6209, sub-§2, as enacted by PL 2005, c. 2, Pt. E, §6 and affected by §§7 and 8, is repealed.

11

12

PART CCCC

13

Sec. CCCC-1. 7 MRSA §3910-B, sub-§1, as amended by PL 2005, c. 510, §6, is further amended to read:

14

15

1. Establishment. There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3933, subsection 4, money transferred from the Animal Welfare Fund in accordance with section 3906-B, subsection 2 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the necessary direct administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

16

17

18

19

20

21

22

23

24

25

26

27

Sec. CCCC-2. 7 MRSA §3910-B, sub-§1-A is enacted to read:

28

1-A. Option to contract for administration of the fund. The commissioner may contract the administration of the fund to a suitable organization or individual selected through a competitive process. The contracting organization or individual shall administer the fund in accordance with procedures and eligibility standards established under subsection 2. The contracting organization or individual may not expend more than 15% of the fund annually for administrative costs.

29

30

31

32

33

34

Sec. CCCC-3. 7 MRSA §3910-B, sub-§4 is enacted to read:

35

4. Oversight. The Animal Welfare Advisory Council established in section 3906-C or a subcommittee of the council shall review the objectives of the fund and make recommendations for maximizing use of available resources to meet the objectives of the fund. The council or subcommittee shall review the administration of the fund and make recommendations, which may include the development of a competitive process to contract for the administration of the fund.

36

37

38

39

40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

PART DDDD

Sec. DDDD-1. Suspension of salary increases and out-of-state travel; legislative branch. The Legislative Council shall implement a policy to suspend the granting of merit pay increases for legislative employees with an annual salary greater than \$75,000. The Legislative Council shall also implement a policy to restrict out-of-state travel in order to achieve the level of savings identified in the All Other line category reductions in section 2 of this Part.

Sec. DDDD-2. Appropriations and allocations. The following appropriations and allocations are made.

LAW AND LEGISLATIVE REFERENCE LIBRARY

Law and Legislative Reference Library 0636

Initiative: Deappropriates funds as a result of suspending step increases in fiscal year 2008-09 for those employees earning \$75,000 or more. It also deappropriates funds for out-of-state travel.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$5,522)
All Other	\$0	(\$699)
GENERAL FUND TOTAL	\$0	(\$6,221)

LAW AND LEGISLATIVE REFERENCE LIBRARY

DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$6,221)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$6,221)

LEGISLATURE

Legislature 0081

Initiative: Deappropriates funds as a result of suspending step increases in fiscal year 2008-09 for those employees earning \$75,000 or more. It also deappropriates funds for out-of-state travel.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$49,259)
All Other	\$0	(\$29,349)
GENERAL FUND TOTAL	\$0	(\$78,608)

1			
2	LEGISLATURE		
3	DEPARTMENT TOTALS	2007-08	2008-09
4			
5	GENERAL FUND	\$0	(\$78,608)
6			
7	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$78,608)
8	PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY,		
9	OFFICE OF		
10	Program Evaluation and Government Accountability 0976		
11	Initiative: Deappropriates funds as a result of suspending step increases in fiscal year		
12	2008-09 for those employees earning \$75,000 or more. It also deappropriates funds for		
13	out-of-state travel.		
14			
15	GENERAL FUND	2007-08	2008-09
16	Personal Services	\$0	(\$6,397)
17	All Other	\$0	(\$8,774)
18			
19	GENERAL FUND TOTAL	\$0	(\$15,171)
20	PROGRAM EVALUATION AND		
21	GOVERNMENT ACCOUNTABILITY, OFFICE		
22	OF		
23	DEPARTMENT TOTALS	2007-08	2008-09
24			
25	GENERAL FUND	\$0	(\$15,171)
26			
27	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$15,171)
28	SECTION TOTALS	2007-08	2008-09
29			
30	GENERAL FUND	\$0	(\$100,000)
31			
32	SECTION TOTAL - ALL FUNDS	\$0	(\$100,000)

1

PART EEEE

2

Sec. EEEE-1. 5 MRSA §285, sub-§7, as amended by PL 2001, c. 439, Pt. XX, §5 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

3

4

5

7. **Payment by State.** Except as otherwise provided in this subsection, the State, through the commission, shall pay 100% of only the employee's share of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission, except for ~~Legislators, for whom that, effective July 1, 2008,~~ the State shall pay 90% of a Legislator's or legislative employee's share of the individual premium for the standard plan identified and offered by the commission and available to the Legislator or employee as authorized by the commission, and except that the State shall pay for a Legislator 50% of the health plan premium for dependent coverage. For any person appointed to a position after November 1, 1981 who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours. The State may not pay any portion of the health plan premium for a blind person eligible for the group health plan under subsection 1, paragraph H or for a licensed foster parent eligible for the group health plan under subsection 1, paragraph I.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

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

20

21

22

23

24

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

25

26

27

28

29

30

31

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

32

33

34

35

36

37

38

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

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

4 **Sec. EEEE-2. Appropriations and allocations.** The following appropriations
 5 and allocations are made.

6 **LAW AND LEGISLATIVE REFERENCE LIBRARY**

7 **Law and Legislative Reference Library 0636**

8 Initiative: Deappropriates projected health insurance savings resulting from a reduction
 9 in the state share from 100% to 90% of the individual premium for legislative employees.

11	GENERAL FUND	2007-08	2008-09
12	Personal Services	\$0	(\$10,840)
13			
14	GENERAL FUND TOTAL	\$0	(\$10,840)

15 **LAW AND LEGISLATIVE REFERENCE**
 16 **LIBRARY**

17	DEPARTMENT TOTALS	2007-08	2008-09
18			
19	GENERAL FUND	\$0	(\$10,840)
20			
21	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$10,840)

22 **LEGISLATURE**

23 **Legislature 0081**

24 Initiative: Deappropriates projected health insurance savings resulting from a reduction
 25 in the state share from 100% to 90% of the individual premium for Legislators and
 26 legislative employees.

28	GENERAL FUND	2007-08	2008-09
29	Personal Services	\$0	(\$297,335)
30			
31	GENERAL FUND TOTAL	\$0	(\$297,335)

32 **LEGISLATURE**

33	DEPARTMENT TOTALS	2007-08	2008-09
34			
35	GENERAL FUND	\$0	(\$297,335)
36			
37	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$297,335)

1 **PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY,**
 2 **OFFICE OF**

3 **Program Evaluation and Government Accountability 0976**

4 Initiative: Deappropriates projected health insurance savings resulting from a reduction
 5 in the state share from 100% to 90% of the individual premium for legislative employees.

6			
7	GENERAL FUND	2007-08	2008-09
8	Personal Services	\$0	(\$5,420)
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$5,420)</u>

11 **PROGRAM EVALUATION AND**
 12 **GOVERNMENT ACCOUNTABILITY, OFFICE**
 13 **OF**

14	DEPARTMENT TOTALS	2007-08	2008-09
15			
16	GENERAL FUND	\$0	(\$5,420)
17			
18	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$5,420)</u>

19	SECTION TOTALS	2007-08	2008-09
20			
21	GENERAL FUND	\$0	(\$313,595)
22			
23	SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$313,595)</u>

24 **PART FFFF**

25 **Sec. FFFF-1. Unpaid days off; calculation and transfer; statewide**
 26 **reduction of expenditures in fiscal year 2008-09.** All nonessential service
 27 employees are subject to 3 temporary layoff days, without pay, as follows: Friday,
 28 August 29, 2008; Friday, October 10, 2008; and Friday, May 22, 2009. All essential
 29 service employees are required to take 3 temporary layoff days without pay; these days
 30 must be different than the temporary layoff days imposed on nonessential service
 31 employees and must be by agreement with the essential service employees' supervisors.
 32 For the purposes of this Part, a "nonessential service employee" and an "essential service
 33 employee" is determined in section 2. The State Budget Officer shall transfer by
 34 financial order upon the approval of the Governor the amount of savings that applies to
 35 each account for departments and agencies of State Government as a result of these

1 temporary layoff days. These transfers are considered adjustments to appropriations in
2 fiscal year 2008-09.

3 **Sec. FFFF-2. State Government closure; determination of essential**
4 **service employees.** Pursuant to section 1, all state departments, agencies and offices
5 must be closed on the days specified in section 1 except for essential programs and
6 federally funded services. An employee that is not employed in an essential program or
7 federally funded service is deemed to be a nonessential service employee. Essential
8 programs and federally funded services are determined by:

9 1. The Commissioner of Administrative and Financial Services except as provided in
10 subsection 2; and

11 2. The chief administrative officers of the legislative and judicial branches. The chief
12 administrative officers of the legislative and judicial branches shall notify the
13 Commissioner of Administrative and Financial Services of their determinations regarding
14 essential programs, federally funded services and essential and nonessential service
15 employees.

16 Any nonessential service employee who is not required to work because those
17 departments, agencies and offices are closed on those days must take the days off without
18 pay, but for each such day off is entitled to receive an additional day of compensation at
19 the time that the employee leaves state service. Those additional days must be at the
20 employee's rate of pay at the time the day off is taken or the rate at the time the employee
21 leaves, whichever is higher.

22 Any essential service employee who works on those days is entitled to receive, in lieu
23 of pay, compensating time off for such hours worked, and for each such day worked is
24 entitled to receive an additional day of compensation at the time the employee leaves
25 state service. Those additional days must be at the employee's rate of pay at the time the
26 day off is taken or rate at the time the employee leaves, whichever is higher.

27 Any fully federally funded employee approved to work is entitled to receive the
28 employee's regular compensation for such time worked.

29 **Sec. FFFF-3. Appropriations and allocations.** The following appropriations
30 and allocations are made.

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

32 **Departments and Agencies - Statewide 0016**

33 Initiative: Deappropriates funds as a result of requiring state employees to take 3
34 temporary layoff days without pay.

35	2007-08	2008-09
36 GENERAL FUND		
37 Personal Services	\$0	(\$2,745,000)
38	<hr/>	<hr/>
39 GENERAL FUND TOTAL	\$0	(\$2,745,000)

1

PART GGGG

2

Sec. GGGG-1. 10 MRSA §2412, sub-§1, as amended by PL 1997, c. 454, §5, is further amended to read:

3

4

1. Certificate of registration. The state sealer shall provide application forms and shall issue a certificate of registration upon receipt of a completed application accompanied by an annual fee of ~~\$8 per dispensing nozzle as determined under subsection 5.~~ A certificate of registration expires on December 31st. The state sealer may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee.

5

6

7

8

9

10

11

12

Sec. GGGG-2. 10 MRSA §2412, sub-§3, as amended by PL 1995, c. 665, Pt. T, §1, is further amended to read:

13

14

3. Payment from local sealers account. Upon receiving verification from a local sealer that a registered fuel dispenser has been inspected and conforms to standards established for fuel dispensers, the state sealer shall pay to the local sealer ~~\$8 per dispensing nozzle~~ an amount as determined under subsection 5.

15

16

17

18

Sec. GGGG-3. 10 MRSA §2412, sub-§5 is enacted to read:

19

5. Rulemaking. The Commissioner of Agriculture, Food and Rural Resources shall adopt rules to establish a fee for issuing a certificate of registration under subsection 1 and the payment to a local sealer under subsection 3. The fee and payment established in rule must be per dispensing nozzle certified or inspected. Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

20

21

22

23

24

25

Sec. GGGG-4. 22 MRSA §2168, sub-§1, as amended by PL 1997, c. 454, §10, is further amended to read:

26

27

1. Application and renewal. Each application for, or renewal of, a license to operate a food establishment must be accompanied by a fee, ~~based on the number of employees as follows:~~ determined by the commissioner in accordance with subsection 5.

28

29

30

~~A. For 0 to 10 employees, \$10 annually;~~

31

~~B. For 11 to 25 employees, \$30 annually; and~~

32

~~C. For 26 or more employees, \$100 annually.~~

33

A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee.

34

35

36

37

Sec. GGGG-5. 22 MRSA §2168, sub-§2, as amended by PL 1997, c. 454, §10, is further amended to read:

38

39

2. Food salvage. Each application for, or renewal of, a license to operate a food salvage establishment or to act as a salvage broker must be accompanied by a fee, ~~not to~~

40

1 ~~exceed \$30 annually~~, determined by the commissioner in accordance with subsection 5.
2 A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in
3 excess of one year may only be issued with the agreement of or at the request of the
4 applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year
5 license is 3 times the annual fee.

6 **Sec. GGGG-6. 22 MRSA §2168, sub-§5** is enacted to read:

7 **5. Rules.** The commissioner shall adopt rules to establish a schedule of fees for
8 licenses issued under this chapter. Fees must be appropriate to the size of the
9 establishment. Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules
10 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
11 chapter 375, subchapter 2-A.

12 **Sec. GGGG-7. 22 MRSA §2514, sub-§5**, as enacted by PL 1999, c. 777, §1, is
13 amended to read:

14 **5. Annual license fee; rules.** ~~The annual license fee for a retail vendor license is~~
15 ~~\$10 and for all other licenses listed under subsection 1 is \$50.~~ All licenses issued under
16 this section expire on December 31st. The commissioner shall adopt rules to establish a
17 schedule of fees for licenses issued under this chapter. Fees must be appropriate to the
18 size of the establishment. Notwithstanding Title 5, section 8071, subsection 3, paragraph
19 B, rules adopted pursuant to this subsection are routine technical rules as defined in Title
20 5, chapter 375, subchapter 2-A.

21 **Sec. GGGG-8. 32 MRSA §1851, 4th ¶**, as enacted by PL 1993, c. 410, Pt. S, §4,
22 is amended to read:

23 The fee for a license issued under this section is based on the number of persons
24 employed by the manufacturer or bottler. ~~The fee for a manufacturer or bottler with 5 or~~
25 ~~fewer employees is \$50. The fee for all other manufacturers or bottlers is \$100.~~ The
26 commissioner shall adopt rules to establish a schedule of fees for licenses issued under
27 this subchapter. Fees must be appropriate to the size of the beverage plant.
28 Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules adopted pursuant
29 to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter
30 2-A.

31 **Sec. GGGG-9. Directive to the Commissioner of Agriculture, Food and**
32 **Rural Resources.** The Commissioner of Agriculture, Food and Rural Resources shall
33 adopt rules in accordance with the Maine Revised Statutes, Title 22, section 2168 and
34 Title 32, section 1851 that establish fees at a level that generates a minimum of an
35 additional \$106,000 in revenue in fiscal year 2008-09.

36

PART HHHH

37 **Sec. HHHH-1. Transfer of funds; domestic violence and sexual assault**
38 **programs.** Notwithstanding any other provision of law, the State Controller shall
39 transfer \$225,000 in fiscal year 2007-08 and \$1,000,000 in fiscal year 2008-09 from the
40 Fund for a Healthy Maine to the unappropriated surplus of the General Fund to avoid a
41 reduction in funds for domestic violence and sexual assault programs.

1 **Sec. HHHH-2. Transfer of funds; Hancock County Drug Court.**
2 Notwithstanding any other provision of law, the State Controller shall transfer \$150,000
3 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus
4 of the General Fund to avoid a reduction in funds for the Hancock County Drug Court.

5 **Sec. HHHH-3. Transfer of funds; HIV/AIDS services.** Notwithstanding any
6 other provision of law, the State Controller shall transfer \$41,000 in fiscal year 2008-09
7 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund to
8 avoid a reduction in funds for agencies providing HIV/AIDS services.

9 **Sec. HHHH-4. Transfer of funds; family planning services.**
10 Notwithstanding any other provision of law, the State Controller shall transfer \$273,406
11 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus
12 of the General Fund to avoid a reduction in funds for agencies providing family planning
13 services.

14 **Sec. HHHH-5. Appropriations and allocations.** The following appropriations
15 and allocations are made.

16 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
17 **FHM - Family Planning 0956**

18 Initiative: Provides one-time funds from the Fund for a Healthy Maine for family
19 planning services to offset a reduction in federal block grant funds.

20			
21	FUND FOR A HEALTHY MAINE	2007-08	2008-09
22	All Other	\$0	\$415,278
23			
24	FUND FOR A HEALTHY MAINE TOTAL	\$0	\$415,278

25 **PART III**

Sec. III-1. 20-A MRS §6602, sub-§1, as amended by PL 1991, c. 9, Pt. II, §3, is repealed and the following enacted in its place:

- 26 **1. Participation.** A public school shall participate in food service programs.
- 27 A. A public school shall participate in the National School Lunch Program in
28 accordance with 7 Code of Federal Regulations, Part 210 (2007) and provide Type A
29 meals as determined by the United States Department of Agriculture.
- 30 B. A public school that serves breakfast shall provide all students who are eligible
31 for free and reduced-price meals under paragraph A a meal that meets the
32 requirements of the federal School Breakfast Program set forth in 7 Code of Federal
33 Regulations, Part 220 (2007) at no cost to the student. The State shall provide funding
34 equal to the difference between the federal reimbursement for a free breakfast and the
35 federal reimbursement for a reduced-price breakfast for each student eligible for a
36 reduced-price breakfast and receiving breakfast.

1 **Sec. III-2. 20-A MRSA §6602, sub-§6**, as enacted by PL 1981, c. 693, §§5 and
 2 8, is amended to read:

3 **6. Nutrition report.** The commissioner may assess the nutritional benefits of school
 4 lunch programs and school breakfast programs and report to the state board.

5 **Sec. III-3. 22 MRSA §1511, sub-§6, ¶H**, as enacted by PL 1999, c. 401, Pt. V,
 6 §1, is amended to read:

7 H. Comprehensive school health and nutrition programs, including school-based
 8 health centers.

9 **Sec. III-4. Appropriations and allocations.** The following appropriations and
 10 allocations are made.

11 **EDUCATION, DEPARTMENT OF**

12 **FHM - School Breakfast Program N034**

13 Initiative: Allocates funds from the Fund for a Healthy Maine to reimburse those public
 14 schools kindergarten to grade 12 that provide breakfast for the amount equal to the
 15 difference between the federal reimbursement for a free breakfast and the federal
 16 reimbursement for a reduced-price breakfast for each student eligible for a reduced-price
 17 breakfast who is receiving breakfast.

18			
19	FUND FOR A HEALTHY MAINE	2007-08	2008-09
20	All Other	\$0	\$178,925
21			
22	FUND FOR A HEALTHY MAINE TOTAL	<u>\$0</u>	<u>\$178,925</u>

23 **EDUCATION, DEPARTMENT OF**

24 **FHM - School Breakfast Program N034**

25 Initiative: Allocates one-time funds from the Fund for a Healthy Maine for system
 26 modifications to allow the Department of Education to reimburse those public schools
 27 that are providing breakfast for the cost of providing free breakfasts to eligible students.

28			
29	FUND FOR A HEALTHY MAINE	2007-08	2008-09
30	All Other	\$0	\$35,000
31			
32	FUND FOR A HEALTHY MAINE TOTAL	<u>\$0</u>	<u>\$35,000</u>

1	EDUCATION, DEPARTMENT OF		
2	DEPARTMENT TOTALS	2007-08	2008-09
3			
4	FUND FOR A HEALTHY MAINE	\$0	\$213,925
5			
6	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$213,925

7 **PART JJJJ**

8 **Sec. JJJJ-1. 20-A MRSA §7801, first ¶**, as amended by PL 1989, c. 899, §2, is
 9 further amended to read:

10 It is the purpose of this chapter to plan, coordinate and implement service planning
 11 and coordination for youth with handicaps, 14 years of age or older and under 26 years of
 12 age, who are in transition from school to the community. ~~Local projects have been~~
 13 ~~established to provide more effective and efficient statewide delivery of services to~~
 14 ~~handicapped youths in transition from school to the community~~ It is also the purpose of
 15 this chapter to provide for an efficient and streamlined system of services across state
 16 agencies to include local and private entities that effectively deliver a combination of
 17 services that meet the needs of youth with handicaps by:

18 **Sec. JJJJ-2. 20-A MRSA §7801, sub-§1**, as corrected by RR 2003, c. 2, §37, is
 19 amended to read:

20 **1. Coordination.** Coordinating existing programs and services presently provided
 21 for these youths by the Department of Health and Human Services, the Department of
 22 Education, the Department of Labor, the Department of Corrections and other public and
 23 private agencies;

24 **Sec. JJJJ-3. 20-A MRSA §7802, sub-§3, ¶B**, as enacted by PL 1989, c. 899,
 25 §3, is amended to read:

26 B. Referral to appropriate community services and information regarding their
 27 location;

28 **Sec. JJJJ-4. 20-A MRSA §7802, sub-§8**, as enacted by PL 1989, c. 899, §4, is
 29 repealed.

30 **Sec. JJJJ-5. 20-A MRSA §7802, sub-§9**, as enacted by PL 1989, c. 899, §4, is
 31 repealed.

32 **Sec. JJJJ-6. 20-A MRSA §7803**, as corrected by RR 2003, c. 2, §39, is amended
 33 to read:

1 **§7803. Interdepartmental Committee on Transition**

2 An Interdepartmental Committee on Transition is established pursuant to Title 5,
3 chapter 379, representing the Department of Education, the Department of Health and
4 Human Services, the Department of Labor, and the Department of Corrections, and at
5 least 2 of the local coordination sites and the public, must be appointed by the
6 commissioners to establish guidelines, including continuation applications, to monitor
7 grants and to evaluate the performance of area coordination programs developed through
8 the grants clients of services and one member of a school district that is a significant user
9 of transition services. The committee members representing state departments must
10 consist of the commissioners of these departments or their designees. The Commissioner
11 of Education shall serve as the initial chair of the committee and shall appoint members
12 representing clients and the public. The committee may adopt procedures to provide for
13 alternating chairs of the committee.

14 The members ~~of this committee shall be compensated~~ representing clients and the
15 school district representative are entitled to compensation in accordance with Title 5,
16 chapter 379.

17 The committee shall identify, plan, coordinate and provide for the delivery of
18 services as defined in section 7802, subsection 3. The committee shall work closely with
19 contact persons at each high school, including guidance counselors, to provide for the
20 services and assistance needed for eligible students in each school.

21 In developing a coordinated and efficient delivery system of services to youth, the
22 committee shall give significant consideration to interdepartmental consolidation of
23 administration and services that avoids duplication of services and effort.

24 The committee shall meet as often as necessary to achieve the purpose of this chapter
25 and to develop a streamlined and efficient delivery system. The committee shall report
26 to the joint standing committee of the Legislature having jurisdiction over education
27 matters by January 15th of each year. By January 15, 2009, the committee shall present
28 a report that describes the streamlined delivery system and how it will eliminate
29 duplication of effort and costs.

30 The report must provide basic data regarding school and client requests for services,
31 number and costs of services provided, savings incurred as a result of the streamlined
32 system and the results of the services to include the number of clients who have
33 successfully transitioned to employment or other educational institutions. The report may
34 contain any other data and information determined significant by the committee.

35 **Sec. JJJJ-7. 20-A MRSA §7803-A**, as corrected by RR 2003, c. 2, §40, is
36 amended to read:

37 **§7803-A. Transition services**

38 Each school administrative unit shall provide an annual statement of the transition
39 services needed by a handicapped youth in transition enrolled in that unit. The statement
40 of transition services must be provided to all handicapped youth in transition who are 16
41 years of age or older and enrolled in school and may be provided to younger students
42 when the school administrative unit finds it necessary. When appropriate, a cooperative
43 agreement among the Department of Education, the Department of Health and Human

1 Services, the Department of Corrections and the Department of Labor must be included
2 as part of the annual statement describing the responsibilities of and coordination required
3 by those agencies. If a cooperating agency fails to provide agreed-upon services, the
4 school administrative unit ~~is responsible for reconvening~~ may notify the chair of the
5 committee who may reconvene the cooperating agencies for the purposes of developing
6 alternative strategies to meet the transition objectives. This section does not require any
7 school administrative unit to provide noneducational services to students.

8 **Sec. JJJJ-8. 20-A MRSA §7804**, as corrected by RR 2003, c. 2, §41, is amended
9 to read:

10 **§7804. Authorization for expenditure of funds**

11 **1-A. Grants.** The committee, as established in section 7803, ~~shall~~ may provide
12 funds ~~for the maintenance of existing sites and shall provide funds for new or expanded~~
13 ~~sites, as funds are available.~~ These funds ~~must~~ to support the effective delivery of
14 services to handicapped youth in transition by coordinating existing programs, when
15 possible, and establishing a mechanism for ongoing coordination of programs for
16 handicapped youths in transition at a local or regional level, including local educational
17 agencies, community mental health centers, regional mental retardation services, regional
18 rehabilitation programs and other public and private agencies as appropriate. Each
19 project must establish a method to identify unserved and underserved handicapped youths
20 in transition and develop services for these youths.

21 **2. Rules.** The committee shall ~~promulgate by adopt~~ adopt rules ~~policy and procedures~~ that
22 assure participation at the local level by agencies currently serving handicapped youths in
23 ~~transition from school to community.~~ They shall , among other provisions, require that
24 existing resources for providing services to handicapped youths in transition be exhausted
25 prior to using grants funds to provide services.

26 **3. Fiscal agent.** ~~The agency, institution or school administrative unit receiving a~~
27 ~~grant under this chapter may function only in the role of fiscal agent, as described in rules~~
28 ~~promulgated by the department for regulating the local administration of these programs.~~

29 **4. Area coordinating committee.** ~~An~~ The committee may provide for area
30 ~~coordinating committee, organized prior to application for receipt of a grant, is~~
31 ~~responsible for governance of each local site. Membership must include representatives~~
32 ~~of transitional services programs in the region to be served by the grant; representatives~~
33 ~~of the appropriate regional offices of the Department of Health and Human Services, the~~
34 ~~Department of Corrections and the Department of Labor; representatives of participating~~
35 ~~school administrative units; representatives of adult service agencies, including~~
36 ~~rehabilitation facilities; parents of children with handicapping conditions; employers; and~~
37 ~~other community members as appropriate. Terms of membership and methods of~~
38 ~~appointment or election must be determined by area coordinating committee bylaws,~~
39 ~~subject to approval of the committee. Responsibilities of area coordinating committees~~
40 ~~must be detailed in the rules promulgated by the committee~~ committees to advise the
41 committee with respect to the needs and effectiveness of the service delivery system and
42 other issues authorized by the committee for consideration.

43 **5. Evaluation.** Continuous evaluation of the project sites ~~shall be~~ is required and
44 ~~shall be~~ is an integral part of each project. The committee shall ~~cause to be developed~~

1 conduct an evaluation ~~design~~ designed to determine the success of the projects and shall
2 ensure its implementation.

3 **6. Report.** The committee shall present to the Legislature an annual report on its
4 activities. This report must provide an evaluation summary of the projects and
5 recommendations, including legislation, necessary to support and maintain a statewide
6 transitional services planning and delivery system.

7 **Sec. JJJJ-9. 20-A MRSA §7805**, as amended by PL 1991, c. 716, §1 and PL
8 2003, c. 545, §2, is repealed.

9 **PART KKKK**

10 **Sec. KKKK-1. 12 MRSA §12701, sub-§4**, as enacted by PL 2003, c. 414, Pt. A,
11 §2 and affected by c. 614, §9, is amended to read:

12 **4. Fees.** The commissioner may establish reasonable fees for admission to the
13 Maine Wildlife Park and the Steve Powell Wildlife Management Area at Perkins
14 Township, Sagadahoc County, known as Swan Island and Little Swan Island. Fees
15 associated with the Steve Powell Wildlife Management Area must be deposited into a
16 dedicated revenue account. In addition to those fees, the commissioner may accept and
17 deposit into the dedicated revenue account money from any other source, public or
18 private.

19 **PART LLLL**

20 **Sec. LLLL-1. Appropriations and allocations.** The following appropriations
21 and allocations are made.

22 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
23 **Revenue Services - Bureau of 0002**

24 Initiative: Eliminates 2 Senior Tax Examiner positions, 9 Tax Examiner positions, 2
25 Office Assistant II positions and one Office Associate II position and eliminates All
26 Other funds for these positions at the Houlton branch of Maine Revenue Services for the
27 purpose of creating cost savings.

28 GENERAL FUND	2007-08	2008-09
29 POSITIONS - LEGISLATIVE COUNT	0.000	(14.000)
30 Personal Services	\$0	(\$811,162)
31 All Other	\$0	(\$38,135)
32		
33 GENERAL FUND TOTAL	\$0	(\$849,297)

34 **Revenue Services - Bureau of 0002**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 Initiative: Establishes one Senior Tax Examiner position and 2 Tax Examiner positions at
 2 the Augusta branch of Maine Revenue Services in order to carry out the work of those
 3 positions that were eliminated from the closure of the Houlton branch.

4	GENERAL FUND	2007-08	2008-09
5	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
6	Personal Services	\$0	\$178,057
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$178,057</u>

9 **Revenue Services - Bureau of 0002**

10 Initiative: Deappropriates funding provided in Part A to fund for one Senior Tax
 11 Examiner position and one Tax Examiner position assigned to the Collections Unit
 12 beginning July 1, 2008 to collect unpaid business and trust fund taxes. These positions
 13 would have increased General Fund revenue by \$901,550 in fiscal year 2008-09.

14	GENERAL FUND	2007-08	2008-09
15	POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
16	Personal Services	\$0	(\$126,799)
17	All Other	\$0	(\$21,068)
18			
19	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$147,867)</u>

20 **ADMINISTRATIVE AND FINANCIAL**
 21 **SERVICES, DEPARTMENT OF**
 22 **DEPARTMENT TOTALS**

23		2007-08	2008-09
24	GENERAL FUND	\$0	(\$819,107)
25			
26	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$819,107)</u>

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

28 **Administration - Economic and Community Development 0069**

29 Initiative: Appropriates funds to offset a deappropriation in Part A related to the Maine
 30 Manufacturing Extension Partnership.

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1	GENERAL FUND	2007-08	2008-09
2	All Other	\$0	\$80,000
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$80,000</u>
5	Office of Innovation 0995		
6	Initiative: Reduces funding that supports the Maine Technology Institute Innovation		
7	Cluster Program to maintain costs within available resources.		
8	GENERAL FUND	2007-08	2008-09
9	All Other	\$0	(\$480,000)
10			
11	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$480,000)</u>
12	ECONOMIC AND COMMUNITY		
13	DEVELOPMENT, DEPARTMENT OF		
14	DEPARTMENT TOTALS	2007-08	2008-09
15			
16	GENERAL FUND	\$0	(\$400,000)
17			
18	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$400,000)</u>
19	UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE		
20	Educational and General Activities - UMS 0031		
21	Initiative: Reduces funding to maintain costs within available resources.		
22	GENERAL FUND	2007-08	2008-09
23	All Other	\$0	(\$1,000,000)
24			
25	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,000,000)</u>

1	UNIVERSITY OF MAINE SYSTEM, BOARD OF		
2	TRUSTEES OF THE		
3	DEPARTMENT TOTALS	2007-08	2008-09
4			
5	GENERAL FUND	\$0	(\$1,000,000)
6			
7	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$1,000,000)
8	SECTION TOTALS	2007-08	2008-09
9			
10	GENERAL FUND	\$0	(\$2,219,107)
11			
12	SECTION TOTAL - ALL FUNDS	\$0	(\$2,219,107)

13 **PART MMMM**

14 **Sec. MMMM-1. Consultation prior to taking action.** Prior to taking action
 15 to change administrative staffing positions at the Riverview Psychiatric Center or to
 16 change administrative position counts at the Riverview Psychiatric Center in order to
 17 bring about efficiencies or budget savings, the Commissioner of Health and Human
 18 Services shall consult with the Court Master in the case of Bates v. Harvey, Kennebec
 19 County Superior Court, CV-89-88, and shall provide notice to the joint standing
 20 committee of the Legislature having jurisdiction over health and human services matters
 21 regarding the department's proposed changes and shall report to the committee regarding
 22 the results of the consultation with the Court Master.

23 **Emergency clause.** In view of the emergency cited in the preamble, this
 24 legislation takes effect when approved, except as otherwise indicated.'

25 **SUMMARY**

26 **PART A**

27 This Part makes appropriations and allocations of funds for the 2008-2009 biennium.

28 **PART B**

29 This Part makes appropriations and allocations of funds for approved reclassifications
 30 and range changes.

31 **PART C**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 This Part provides the funding level for general purpose aid for local schools. It
2 specifies a mill expectation of 6.55 for fiscal year 2008-09; the total cost of funding
3 public education from kindergarten to grade 12, consisting of total operating allocation,
4 total debt service allocation and total adjustments and miscellaneous costs; and the state
5 and local share of those costs.

6 This Part also provides that in implementing the \$500,000 reduction in fiscal year
7 2008-09, the Maine Educational Center for the Deaf and Hard of Hearing and the
8 Governor Baxter School for the Deaf must exhaust all funds carried forward from the
9 2007-08 fiscal year before reducing any educational programs and services provided to
10 students.

11 **PART D**

12 This Part makes appropriations and allocations of funds for initiatives that streamline
13 State Government.

14 **PART E**

15 This Part is associated with the streamlining initiatives in Part D and does the
16 following.

17 1. It authorizes the State Controller and the Treasurer of State to establish an
18 electronic funds transfer system for the purpose of transferring directly into payees'
19 accounts held at accredited financial institutions the payment of any amount or obligation
20 owed by the State.

21 2. It repeals the requirement that the Department of Inland Fisheries and Wildlife
22 provide summaries of fish and wildlife laws with each license or registration purchased,
23 in order to implement proposed changes to the current schedule and method of providing
24 these summaries. It also amends various provisions of law to reflect the repeal of the
25 Maine Revised Statutes, Title 12, section 10103, subsection 7.

26 3. It requires the joint standing committee of the Legislature having jurisdiction over
27 appropriations and financial affairs to review the Office of Program Evaluation and
28 Government Accountability's report and the Office of Fiscal and Program Review's
29 analysis on administrative positions within state agencies and to include its
30 recommendations in the next budget bill following its review.

31 4. It recognizes additional undedicated revenue to the General Fund in fiscal year
32 2008-09 from a new policy implemented by the Treasurer of State that reduces the
33 earnings distribution costs for the Treasurer of State's cash pool by retaining the float
34 earnings bonus for the General Fund.

35 5. It provides that a total of \$60,000 from the legislative General Fund account and
36 \$100,000 from the Office of Program Evaluation and Government Accountability
37 General Fund account within the Legislature lapses to the General Fund in fiscal year
38 2007-08.

39 **PART F**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 This Part does the following.

2 It increases the base and per unit fees assessed by the Department of Health and
3 Human Services for the licensure of eating establishments, lodging places, recreational
4 camps and camping areas and increases the maximum fee to \$175 and requires all fees
5 collected by the department for this purpose to be deposited into a special revenue fund
6 for licensing and inspection activities.

7 It directs the Department of Health and Human Services and the Department of
8 Agriculture, Food and Rural Resources to redefine the jurisdictions of the 2 departments
9 in the food inspection process to eliminate dual licensing processes.

10 **PART G**

11 This Part provides dedicated funding for the Harness Racing Commission from
12 revenues collected by the commission, the state share of the handle and a portion of slot
13 machine income. Currently the commission is funded out of the General Fund.

14 **PART H**

15 This Part does the following:

16 1. It requires the State Controller to transfer \$500,000 by June 30, 2008 and
17 \$1,117,799 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal
18 Service Fund in the Department of Administrative and Financial Services to the
19 unappropriated surplus of the General Fund. The State Controller is also required to
20 transfer the equitable share of health insurance savings to each participating fund by June
21 30, 2008 and June 30, 2009. The fund transfers are to recognize health insurance savings
22 achieved through changes to be adopted by the State Employee Health Commission;

23 2. It requires the transfer of \$10,438,051 representing the health insurance excess
24 equity reserve balance to the unappropriated surplus of the General Fund by June 30,
25 2008 and the equitable share transfer to each participating fund by June 30, 2008;

26 3. It requires the transfer of \$16,832,248 representing the retiree health insurance
27 excess equity reserve balance to the unappropriated surplus of the General Fund by June
28 30, 2008 and the equitable share transfer to each participating fund by June 30, 2008; and

29 4. It recognizes retiree health insurance savings of \$185,196, which will be achieved
30 through changes to be adopted by the State Employee Health Commission.

31 **PART I**

32 This Part does the following:

33 1. It authorizes the Department of Administrative and Financial Services, Office of
34 Information Technology to enter into financing arrangements on or after July 1, 2009 for
35 the acquisition of hardware, software and systems to support the operations of the
36 Statewide Radio and Network System Reserve Fund established in the Maine Revised
37 Statutes, Title 5, section 1520; and

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 planning process for the privatization of the Elizabeth Levinson Center on October 1,
2 2008.

3 **PART O**

4 This Part amends the Maine Revised Statutes, Title 5, section 1767 to clarify the
5 authority of the Bureau of General Services to enter into agreements to conduct energy
6 projects at state facilities. It authorizes the bureau to enter into agreements specifically in
7 pursuit of projects at state facilities for on-site generation or cogeneration of energy for
8 use at those facilities and elsewhere. It requires legislative review and approval through
9 the usual budget process for any agreement requiring new expenditures that cannot be
10 absorbed. Otherwise, the bureau is authorized to proceed with such energy independence
11 projects.

12 **PART P**

13 This Part approves the cost items in collective bargaining agreements reached by the
14 Judicial Department and the bargaining units pursuant to the Maine Revised Statutes,
15 Title 26, section 1285.

16 **PART Q**

17 This Part changes certain reporting dates for odd-numbered years for the Consensus
18 Economic Forecasting Commission and for the Revenue Forecasting Committee.

19 **PART R**

20 This Part directs the Department of Education to review the Western Maine
21 Educational Collaborative's initiative to establish a cooperative purchase system to
22 achieve cost efficiencies. This initiative uses a secure online portal that brings buyers and
23 sellers together and allows a multitude of sellers to respond to multiple bids, a process
24 that decreases prices. The Department of Education is directed to assess the scalability
25 and application of this initiative for schools statewide and to report its results and
26 recommendations to the Joint Standing Committee on Education and Cultural Affairs by
27 September 30, 2008.

28 **PART S**

29 This Part allows for the State Controller to share confidential working papers during
30 the investigation or audit with departments, commissions or agencies subject to the audit
31 or investigation and other auditors and law enforcement.

32 **PART T**

33 This Part reorganizes the position of Commissioner of Professional and Financial
34 Regulation.

1
2
3
4
5
6
7
8
9

10
11
12
13
14

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

34
35
36
37

PART U

This Part does the following:

1. It lapses \$15,000 of unencumbered balance forward in the Personal Services line category in the Salary Plan, General Fund account in the Department of Administrative and Financial Services to the General Fund at the close of fiscal year 2008-09; and
2. It lapses \$150,000 of unencumbered balance forward in the All Other line category in the Office of the State Controller - Carrying, General Fund account in the Department of Administrative and Financial Services to the General Fund at the close of fiscal year 2008-09.

PART V

This Part directs the State Controller to transfer \$400,000 by June 30, 2008 and \$350,000 by August 15, 2008 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

PART W

This Part does the following.

1. It adds the positions of one Team Leader/Policy Director, one Education Specialist III, one Office Associate II and one Office Specialist I to the positions in the Management Information Systems program funded from the General Purpose Aid to Local Schools account that support the implementation of the requirements of the Essential Programs and Services Funding Act.
2. It authorizes the Commissioner of Education to pay costs from the General Purpose Aid for Local Schools account to support the Personal Services and All Other costs for 2 Education Specialist II and 2 Office Associate II positions to provide for the coordination of education, treatment and other services for juvenile offenders at the Mountain View Youth Development Center and the Long Creek Youth Development Center.
3. It authorizes the Commissioner of Education to pay costs from the General Purpose Aid to Local Schools account to support the Personal Services and All Other costs for 1 teacher position to provide special education instruction to juvenile offenders at the Mountain View Youth Development Center and for 2 teacher positions to provide special education instruction to juvenile offenders at the Long Creek Youth Development Center.

PART X

This Part revises the basis for applying residential treatment facilities and nursing facilities taxes effective January 1, 2008. For the residential treatment facilities tax, the tax is reduced from 6% of annual gross patient services revenue to 5.5% of annual gross

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 patient services revenue. For the nursing facilities tax, the tax is reduced from 6% of
2 annual net operating revenue to 5.5% of annual net operating revenue.

3 **PART Y**

4 This Part repeals provisions related to rates for fee-for-service or grant-in-aid
5 programs paid by the Department of Health and Human Services to private agencies
6 providing services to individuals with mental retardation.

7 **PART Z**

8 This Part renames 4 programs of the Department of Health and Human Services.

9 **PART AA**

10 This Part authorizes the transfer of funds between the Mental Retardation-Waiver -
11 Supports program, the MR/Elderly PNMI Room and Board program and other
12 MaineCare programs.

13 **PART BB**

14 This Part does the following:

15 1. It lapses \$730,641 of the unencumbered balance in the Disproportionate Share -
16 Dorothea Dix Center General Fund account in the Department of Health and Human
17 Services to the General Fund in fiscal year 2007-08;

18 2. It lapses \$331,921 of the unencumbered balance in the Disproportionate Share -
19 Riverview Psychiatric Center General Fund account in the Department of Health and
20 Human Services to the General Fund in fiscal year 2007-08; and

21 3. It transfers \$300,000 from the Low-cost Drugs to Maine's Elderly, Other Special
22 Revenue Funds account in the Department of Health and Human Services to the
23 unappropriated surplus of the General Fund in fiscal year 2007-08.

24 **PART CC**

25 This Part adds salary savings balances from vacant Nurse and Psychologist positions
26 in the Dorothea Dix Psychiatric Center and Riverview Psychiatric Center accounts to
27 those salary savings balances that are authorized to be transferred to All Other upon
28 recommendation of the State Budget Officer and approval of the Governor.

29 **PART DD**

30 This Part authorizes the transfer of available All Other balances in Department of
31 Health and Human Services General Fund accounts to the Office of Management and
32 Budget General Fund account to fund leased space agreements upon recommendation of

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 the State Budget Officer and approval of the Governor. These transfers are considered
2 adjustments to appropriations in fiscal years 2007-08 and fiscal year 2008-09.

3 **PART EE**

4 This Part ensures that the school nurse consultant position, which is established
5 jointly within the Department of Health and Human Services and the Department of
6 Education, is also jointly supervised by staff of those 2 departments.

7 **PART FF**

8 This Part lapses \$28,960 of unencumbered balance forward in the Personal Services
9 line category in the Division of Forest Fire Control, General Fund account in the
10 Department of Conservation to the General Fund at the close of fiscal year 2007-08.

11 **PART GG**

12 This Part authorizes the State Budget Officer in cooperation with the Commissioner
13 of Education to reorganize programs and accounts in the Department of Education for the
14 purpose of improving financial management and reporting within the department.

15 **PART HH**

16 This Part provides a process for determining the cost of dispensing a medication
17 under the MaineCare program, for reporting that information to legislative committees
18 and for raising the professional fee paid to pharmacies for dispensing medications. It
19 requires the Department of Health and Human Services, Office of MaineCare Services to
20 consider adjusting the fee every 2 years.

21 **PART II**

22 This Part requires the State Controller to transfer \$120,000 by June 30, 2008 and
23 \$200,000 by June 30, 2009 from the Bureau of Revenue Services Fund in the Department
24 of Administrative and Financial Services to the unappropriated surplus of the General
25 Fund.

26 **PART JJ**

27 This Part does the following.

28 1. It authorizes a new mileage reimbursement policy for judges and justices of the
29 judicial branch.

30 2. It transfers the responsibility for paying civilian witness fees to the counties.

31 3. It authorizes the transfer of funds between All Other and Personal Services to
32 achieve savings in Part A in fiscal year 2007-08 and fiscal year 2008-09.

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 4. It amends the statutes that mention records prepared by court reporters to provide
2 that transcripts can be created from the record of an electronically recorded court
3 proceeding and used as evidence and for other purposes the same as a record prepared by
4 a court reporter.

5 5. It establishes a fee for summary judgment motions of \$200 beginning in fiscal
6 year 2008-09.

7 **PART KK**

8 This Part repeals language that establishes the State Nuclear Safety Advisor in the
9 Office of the Public Advocate and corrects cross-references to the repealed section of
10 law. This Part also reestablishes the State Nuclear Safety Inspection Office that was
11 repealed pursuant to Public Law 2005, chapter 254. It also transfers the responsibility of
12 all oversight and coordination of the spent fuel storage facility to the Department of
13 Health and Human Services as a result of the elimination of the State Nuclear Advisor
14 position.

15 **PART LL**

16 This Part does the following.

17 1. It provides that a total of \$415,950 from legislative accounts within the
18 Legislature lapses to the General Fund over the 2008-2009 biennium. As a result of the
19 downward adjustments to General Fund revenue for the current biennium, these
20 adjustments will achieve the target figures of \$156,350 in fiscal year 2007-08 and
21 \$259,600 in fiscal year 2008-09, as established by the Department of Administrative and
22 Financial Services, Bureau of the Budget for the legislative branch.

23 2. It lapses \$1,021,234 of unencumbered balance forward in the legislative accounts
24 to the General Fund in fiscal year 2008-09. It requires the Executive Director of the
25 Legislative Council to identify to the State Controller and State Budget Officer by May
26 15, 2009 the program accounts and line categories where these targeted savings will be
27 achieved in fiscal year 2008-09.

28 **PART MM**

29 This Part extends the authority, established in Public Law 2007, Part YY, section 1,
30 to transfer information technology positions and funding by financial order to include
31 fiscal year 2008-09.

32 **PART NN**

33 This Part does the following.

34 1. It requires the Management Information Systems program, General Fund account
35 to carry forward any balance remaining from the \$3,500,000 appropriation in fiscal year
36 2007-08 in Public Law 2007, chapter 240, Part A, section 22 for continued use in fiscal
37 year 2008-09 for its intended purpose.

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 prescribers when a prior approval request is denied of a list of suitable generic and
2 therapeutically equivalent drugs and provides for an oral report from the Office of
3 MaineCare Services to the MaineCare Advisory Committee by October 1, 2008 and
4 January 1, 2009.

5 **PART UU**

6 This Part revises the time frame for the elimination of 100 positions in the Office of
7 MaineCare Services that will no longer be required when the office has transitioned its
8 current management information system model to a model operated by a fiscal agent.
9 Rather than eliminating the positions in fiscal year 2008-09, the positions will be
10 eliminated no later than June 19, 2010. The Commissioner of Health and Human
11 Services is required to provide a report detailing the positions to be eliminated to the Joint
12 Standing Committee on Health and Human Services and the Joint Standing Committee on
13 Appropriations and Financial Affairs by December 15, 2008.

14 **PART VV**

15 This Part lapses \$356,200 of unencumbered Personal Services funds from the
16 Department of Conservation, division of forest fire control to the General Fund at the
17 close of fiscal year 2008-09.

18 **PART WW**

19 This Part does the following.

20 1. It incorporates the taxation committee report on L.D. 262, which changes future
21 historic rehabilitation tax credits a taxpayer may take if the taxpayer received a credit
22 under the United States Internal Revenue Code from an amount equal to the credit the
23 taxpayer received under the Code to an amount equal to 25% of the qualified
24 expenditures incurred. This Part also allows a historic rehabilitation tax credit for a
25 taxpayer who did not receive a credit under the United States Internal Revenue Code of
26 25% of qualified expenditures if the taxpayer expended from \$50,000 to \$250,000 on a
27 certified historic structure. This Part also provides for a historic rehabilitation tax credit
28 of 30% for qualified projects that create new affordable housing and provides for a ramp-
29 up from 30% to 35% if the affordable housing goal is not achieved. This Part makes the
30 credit refundable and authorizes the State Historic Preservation Officer to establish a
31 schedule of fees for certifying the historic structures and certifying rehabilitations in the
32 State, the proceeds of which will go to administering the program. The Part sunsets the
33 credit in 2013. The Maine Historic Preservation Commission is required to certify
34 qualifying projects and expenditures and to submit reports related to the use of the credit
35 to the joint standing committee of the Legislature having jurisdiction over taxation
36 matters by January 15, 2013.

37 2. It also amends the real estate transfer tax provisions regarding transfers made to
38 the Housing Opportunities for Maine Fund by earmarking specific transfers to offset the
39 cost of the bridging rental assistance program in fiscal year 2008-09 and to partially offset
40 the General Fund costs of the historic rehabilitation tax credits.

1
2
3
4
5
6
7
8

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26
27
28
29

30
31
32
33
34
35
36
37

PART XX

This Part makes TANF recipients ineligible for both nonemergency and emergency general assistance beginning July 1, 2008. To offset the loss of general assistance benefits to this group, this Part increases the special housing allowance available to certain TANF recipients from \$50 to \$100. In addition, this Part provides a new transitional benefit to TANF recipients who have lost their monthly grants due to employment by providing an additional monthly grant to the family for food for the 3 years following loss of TANF eligibility.

PART YY

This Part directs the development and implementation of a plan of consolidation, eliminating duplication or creating greater efficiencies in certain ministerial licensing and registration functions, food safety inspection activities and the regulation of drinking water and septic systems. This effort will involve the Department of Agriculture, Food and Rural Resources, Department of Conservation, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Marine Resources as well as the Department of Health and Human Services, Department of Professional and Financial Regulation and Executive Department, State Planning Office. The plan must be implemented by June 30, 2008 and must achieve savings of \$250,000 in the current biennium. The Part authorizes the commissioners of the affected departments to adopt rules and submit legislation to implement the plan.

This Part also requires that the agencies serving the natural resources sectors work together with a task force appointed by the governor to consider all ideas and organizational configurations and develop a plan designed to eliminate duplication and create greater efficiencies to improve the delivery of services associated with the natural resources sector.

PART ZZ

This Part provides that the proceeds identified by the Commissioner of Administrative and Financial Services from the sale or lease of certain properties, not to exceed \$600,000, must be deposited in the General Fund no later than June 30, 2009.

PART AAA

This Part amends Public Law 2007, c. 240, Pt KK, section 1 by adding "after all financial commitments and adjustments have been made" to the existing provisions in order to prevent any conflict with other approved legislation. The State Controller must first ensure that all financial commitments and adjustments have been made before transferring unexpended Personal Services balances to the Compensation Salary Plan General Fund account to be used for costs associated with collective bargaining agreements for state employees.

1
2
3
4
5

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

23
24
25
26
27
28
29

30
31
32
33
34
35

36

PART BBB

This Part authorizes the State Controller to transfer \$184,328 from the Maine Coastal and Inland Surface Oil Clean-up Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2009.

PART CCC

This Part does the following.

1. It updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to the United States Internal Revenue Code of 1986 as amended through February 13, 2008 for tax years beginning on or after January 1, 2007 and for any prior taxable years as specifically provided by the United States Internal Revenue Code concerning income tax and estate tax laws.

2. It enacts new modifications for individual and corporate income tax to include add-backs of the 50% bonus depreciation allowance enacted in the Economic Stimulus Act of 2008, Public Law 110-185.

3. It enacts new modifications to itemized deductions for individuals and the fiduciary adjustment for estates and trusts to disallow a deduction of mortgage insurance premiums allowed pursuant to the Internal Revenue Code, Section 163(h)(3)(E).

4. It enacts a new addition modification for individuals to reverse the exclusion from income of certain state and local tax benefits or qualified payments to a member of a qualified volunteer emergency response organization allowed pursuant to the Internal Revenue Code, Section 139(b).

PART DDD

This Part amends the service provider tax provisions of the Maine Revised Statutes, Title 36, chapter 358. It identifies 2 types of community support services: those for persons with mental health diagnoses and those for persons with mental retardation or autism. It substitutes the phrase "home support services" for "personal support services." It repeals reference to residential training services. It corrects cross-references in the service provider tax law.

PART EEE

This Part authorizes the Department of Health and Human Services to transfer any Personal Services unencumbered balances in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account and the Disproportionate Share - Riverview Psychiatric Center General Fund account to the All Other line category beginning in fiscal year 2008-09.

PART FFF

1 This Part reduces funding as part of a departmentwide reorganization of the
2 Department of Health and Human Services and provides the method of distributing
3 departmentwide savings from the position eliminations resulting from the
4 departmentwide reorganization. This Part directs the Department of Health and Human
5 Services to provide a report detailing the new organizational structure and the specific
6 positions eliminated to the First Regular Session of the 124th Legislature by December
7 12, 2008.

8 **PART GGG**

9 This Part provides one-time funds for an independent review and evaluation to
10 determine the effectiveness of economic development programs and tax incentives
11 implemented throughout State Government, including programs identified by the Office
12 of Program Evaluation and Governmental Accountability, tax credits and any other
13 programs identified by other entities.

14 **PART HHH**

15 This Part reduces the eligibility level for parents of MaineCare-eligible children from
16 200% to 125%. This Part repeals the requirement for Dirigo Health to transfer funds to
17 MaineCare to fund the state seed for parents at 150% to 200% of the federal poverty
18 level. This Part further restricts spending for the MaineCare childless adult waiver
19 program to \$57 million per year in combined federal and state spending.

20 **PART III**

21 This Part provides the method for distributing departmentwide savings within the
22 Department of Health and Human Services that will result from reducing the services
23 provided through the cooperative agreement with the University of Maine System.

24 **PART JJJ**

25 This Part provides the method for distributing departmentwide savings within the
26 Department of Health and Human Services that will result from consolidating outpatient
27 services into one section of MaineCare.

28 **PART KKK**

29 This Part allows a person to report on the income tax return the sales tax on casual
30 rentals if that person's only responsibility under the sales tax law is the collection of tax
31 on casual rentals and that person's estimated annual sales tax liability is less than \$2,000.
32 These individuals may report the tax on the Maine individual income tax return rather
33 than filing sales and use tax returns.

34 **PART LLL**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 This Part directs the Commissioner of Conservation to increase the camping fee for
2 nonresidents by \$5 per night, resulting in additional General Fund revenue in fiscal year
3 2008-09 and to begin charging the 7% meals and lodging tax separately and in addition to
4 the per night camping fee for both residents and nonresidents, also resulting in additional
5 General Fund revenue in fiscal year 2008-09.

6 **PART MMM**

7 This Part transfers \$500,000 in fiscal year 2007-08 and \$400,000 in fiscal year 2008-
8 09 from the Fund for the Efficient Delivery of Local and Regional Services to the
9 unappropriated surplus of the General Fund.

10 **PART NNN**

11 This Part authorizes the Department of Health and Human Services to assess an
12 annual enrollment fee of \$25 to certain participants in the MaineCare program.

13 **PART OOO**

14 This Part authorizes the transfer of \$10,200,000 from Other Special Revenue Funds
15 to the unappropriated surplus of the General Fund no later than June 30, 2008. On July 1,
16 2008, the State Controller shall transfer \$10,200,000 from the General Fund
17 unappropriated surplus along with interest to Other Special Revenue Funds as repayment.

18 **PART PPP**

19 This Part authorizes an increase in the fee for background checks performed by the
20 State Bureau of Identification that will result in additional undedicated revenue to the
21 General Fund of approximately \$533,174 in fiscal year 2008-09. It also dedicates \$1 of
22 the fee to be credited to the Bureau of State Police, Other Special Revenue Funds account
23 in the Department of Public Safety to offset the cost of maintenance and replacement of
24 both hardware and software associated with the criminal history record check system.

25 **PART QQQ**

26 This Part increases the license fee on certificates of approval from \$600 to \$1,000 for
27 malt liquor and for wine for out-of-state alcohol manufacturers.

28 **PART RRR**

29 This Part requires training funds paid to the employer under the Governor's Training
30 Initiative Program to be on a reimbursement basis. Reimbursement may not exceed \$800
31 for each newly hired employee or \$350 for each incumbent employee who is trained.

32 **PART SSS**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 This Part amends the laws governing the County Jail Prisoner Support Fund by
2 making the distribution discretionary and directs the Commissioner of Corrections to
3 review the current organizational structure to improve organizational efficiency and cost-
4 effectiveness.

5 **PART TTT**

6 This Part requires the State Budget Officer to calculate and transfer by financial
7 order, as adjustments to appropriations, savings in central services. This implements a
8 recommendation to streamline State Government in accordance with Public Law 2007,
9 chapter 240, Part QQQ.

10 **PART UUU**

11 This Part requires the State Budget Officer to calculate and transfer by financial
12 order, as adjustments to appropriations, savings in the cost of telecommunications. This
13 implements a recommendation to streamline State Government in accordance with Public
14 Law 2007, chapter 240, Part QQQ.

15 **PART VVV**

16 This Part requires the State Budget Officer to calculate and transfer by financial
17 order, as adjustments to appropriations, savings in the cost of technology training. This
18 implements a recommendation to streamline State Government in accordance with Public
19 Law 2007, chapter 240, Part QQQ.

20 **PART WWW**

21 This Part requires the State Budget Officer to calculate and transfer by financial
22 order, as adjustments to appropriations, savings in the cost of postal activities and
23 printing in this Part.

24 This Part also authorizes the Director of the Office of Information Technology within
25 the Department of Administrative and Financial Services to transfer by financial order
26 positions to achieve the consolidation of the postal and printing functions.

27 This Part implements a recommendation to streamline State Government in
28 accordance with Public Law 2007, chapter 240, Part QQQ.

29 **PART XXX**

30 This Part requires the Commissioner of Administrative and Financial Services to
31 identify and eliminate contracts for general advertising. This implements a
32 recommendation to streamline State Government in accordance with Public Law 2007,
33 chapter 240, Part QQQ.

34 **PART YYY**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 This Part requires the Commissioner of Administrative and Financial Services to
2 reduce newspaper advertisements for state employment opportunities to the extent
3 possible and requires that all employment opportunities be posted on the Internet instead
4 of in newspapers unless the vacancy is specialized and approval for newspaper
5 advertisement is granted by the Department of Administrative and Financial Services,
6 Bureau of Human Resources. It also requires the State Budget Officer to calculate and
7 transfer by financial order, as adjustments to appropriations, savings in the advertising
8 costs. This implements a recommendation to streamline State Government pursuant to
9 Public Law 2007, chapter 240, Part QQQ.

10 **PART ZZZ**

11 This Part requires the State Budget Officer to calculate and transfer by financial
12 order, as adjustments to appropriations, savings in the cost of property insurance and
13 vehicle liability insurance. This implements a recommendation to streamline State
14 Government in accordance with Public Law 2007, chapter 240, Part QQQ.

15 **PART AAAA**

This Part requires the Governor to implement a policy restricting out-of-state travel
for the executive branch. This Part requires the State Budget Officer to calculate and
transfer by financial order, as adjustments to appropriations, savings in a reduction in out-
of-state travel.

16 **PART BBBB**

17 This Part restores the maximum benefit base under the Maine Residents Property Tax
18 Program to \$3,000 for single-member households and \$4,000 for multiple-member
19 households and repeals indexing of those amounts for inflation.

20 **PART CCCC**

21 This Part prohibits the Companion Animal Sterilization Fund from being charged for
22 indirect costs under a Department of Agriculture, Food and Rural Resources indirect cost
23 allocation plan. It authorizes the Commissioner of Agriculture, Food and Rural Resources
24 to contract out administration of the fund and limits expenditures for administration. It
25 directs the Animal Welfare Advisory Committee to review the use of the fund and make
26 recommendations to the commissioner regarding administration of the fund.

27 **PART DDDD**

28 This Part deappropriates funds as a result of suspending step increases in fiscal year
29 2008-09 for those legislative employees earning \$75,000 or more. It also deappropriates
30 funds for out-of-state travel for the Legislative branch.

31 **PART EEEE**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 This Part deappropriates projected health insurance savings resulting from a
2 reduction in the state share from 100% to 90% of the individual premium for Legislators
3 and legislative employees.

4 **PART FFFF**

5 This Part deappropriates funds as a result of requiring state employees to take 3
6 temporary layoff days without pay. Nonessential service employees are required to take
7 3 days that correspond to the Fridays before Labor Day and Columbus Day in 2008 and
8 Memorial Day in 2009. Essential service employees are required to take 3 different
9 layoff days without pay as agreed to by the supervisors of the essential service
10 employees. Employees in federally funded services are exempt.

11 **PART GGGG**

12 This Part directs the Commissioner of Agriculture, Food and Rural Resources to
13 establish by rule license fees for food and food salvage establishments, meat and poultry
14 processors and beverage plants. It also directs the commissioner to establish the fee for
15 registering a fuel dispensing nozzle and the payment to a local sealer for inspection of
16 dispensing nozzles by rule. The commissioner is directed to adjust license fees for food
17 and food salvage establishments and for beverage plants in a manner that increases
18 revenue by \$106,000 in fiscal year 2008-09.

19 **PART HHHH**

20 This Part does the following.

21 1. It provides a one-time allocation of \$415,278 in fiscal year 2008-09 from the Fund
22 for a Healthy Maine for family planning services and to offset a reduction in federal
23 block grant funding.

24 2. It requires a \$225,000 transfer from the Fund for a Healthy Maine to the
25 unappropriated surplus of the General Fund in fiscal year 2007-08 and \$1,000,000 in
26 fiscal year 2008-09 to avoid a reduction in funding for domestic violence and sexual
27 assault programs.

28 3. It requires a \$150,000 transfer from the Fund for a Healthy Maine to the
29 unappropriated surplus of the General Fund in fiscal year 2008-09 to avoid a reduction in
30 funds for the Hancock County Drug Court.

31 4. It requires a \$41,000 transfer from the Fund for a Healthy Maine to the
32 unappropriated surplus of the General Fund in fiscal year 2008-09 to avoid a reduction in
33 funds for agencies that provide HIV/AIDS services.

34 5. It requires a \$273,406 transfer from the Fund for a Healthy Maine to the
35 unappropriated surplus of the General Fund in fiscal year 2008-09 to avoid a reduction in
36 funds for agencies that provide family planning services.

37 **PART IIII**

COMMITTEE AMENDMENT "B" to H.P. 1547, L.D. 2173

1 This Part provides that the State shall provide funding to reimburse local school units
2 that provide breakfasts to those students eligible for the reduced-price breakfast benefit
3 for the cost of the breakfast that is currently being paid by the student.

4 **PART JJJJ**

5 This Part provides that the Department of Education shall work with the Department
6 of Health and Human Services, the Department of Labor and the Department of
7 Corrections to better coordinate efforts to assist youths with handicaps, 14 years of age or
8 older and under 26 years of age, who are in transition from school to the community.

9 **PART KKKK**

10 This Part requires that any fees associated with the Steve Powell Wildlife
11 Management Area be deposited into a dedicated revenue account. It also authorizes the
12 Commissioner of Inland Fisheries and Wildlife to accept and deposit money from other
13 sources, public or private, into the dedicated revenue account.

14 **PART LLLL**

15 This Part makes adjustments to appropriations and allocations.

16 **PART MMMM**

17 This Part requires the Commissioner of Health and Human Services to consult with
18 the Court Master in the case of Bates v. Harvey, Kennebec County Superior Court, CV-
19 89-88, regarding proposed administrative staffing changes or changes in administrative
20 position counts at Riverview Psychiatric Center. It also requires the Commissioner of
21 Health and Human Services to provide notice to the joint standing committee of the
22 Legislature having jurisdiction over health and human services matters regarding
23 proposed changes and to report regarding the results of the consultation with the Court
24 Master.

FISCAL NOTE REQUIRED
(See attached)

**123rd MAINE LEGISLATURE****LD 2173****LR 3445(03)****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, 2008 and June 30, 2009****Fiscal Note for Bill as Amended by Committee Amendment " B "****Committee: Appropriations and Financial Affairs****Fiscal Note Required: Yes****Fiscal Note**

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	(\$63,871,395)	(\$129,267,200)	(\$132,422,840)	(\$135,035,393)
Fund for a Healthy Maine	\$247,379	\$2,018,071	\$112,717	\$122,506
Appropriations/Allocations				
General Fund	(\$20,380,250)	(\$123,561,699)	(\$123,673,591)	(\$124,152,642)
Federal Expenditures Fund	(\$6,002,991)	(\$82,864,292)	(\$82,471,305)	(\$82,458,119)
Fund for a Healthy Maine	\$22,379	\$553,665	\$112,717	\$122,506
Other Special Revenue Funds	\$10,385,382	\$17,107,556	\$17,064,403	\$17,179,693
Federal Block Grant Fund	\$49,322	\$172,448	\$177,306	\$182,311
Financial and Personnel Services Fund	\$38,753	\$558,534	\$575,910	\$593,822
Postal, Printing and Supply Fund	\$84,904	(\$730,042)	(\$746,643)	(\$763,754)
Office of Information Services Fund	(\$41,547)	\$1,174,364	\$1,210,535	\$1,247,819
Central Motor Pool	\$13,314	\$12,355	\$12,736	\$13,128
Real Property Lease Internal Service Fund	\$0	\$0	\$221	\$448
Consolidated Emergency Communications Fund	\$0	\$418,979	\$431,777	\$444,968
Prison Industries Fund	\$0	(\$135,840)	(\$140,024)	(\$144,336)
State Lottery Fund	(\$320,000)	(\$615,000)	(\$600,000)	(\$600,000)
Baxter Tree Harvesting Fund	\$150,000	\$150,000	\$150,000	\$150,000
Revenue				
General Fund	\$332,928	\$10,576,714	\$8,749,249	\$10,882,751
Other Special Revenue Funds	\$0	(\$1,078,055)	(\$1,329,784)	(\$1,757,203)

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Transfers				
General Fund	\$43,158,217	(\$4,871,213)	\$0	.
Fund for a Healthy Maine	(\$225,000)	(\$1,464,406)	\$0	\$0

**Fund Detail by Section
Appropriations/Allocations**

General Fund

PART A, Section 1	\$1,476,412	(\$986,647)	\$815,181	\$834,144
PART A, Section 2	(\$118,025)	(\$126,709)	(\$65,268)	(\$66,246)
PART A, Section 3	(\$11,222)	(\$40,773)	(\$40,773)	(\$40,773)
PART A, Section 4	\$0	(\$1,189)	(\$1,189)	(\$1,189)
PART A, Section 5	(\$38,876)	(\$544,756)	(\$561,452)	(\$578,661)
PART A, Section 6	(\$1,644)	(\$52,513)	(\$53,542)	(\$54,603)
PART A, Section 7	\$8,834	\$0	\$0	\$0
PART A, Section 9	(\$5,067)	(\$12,978)	(\$12,978)	(\$12,978)
PART A, Section 10	\$0	(\$951,966)	(\$951,966)	(\$951,966)
PART A, Section 11	(\$267,918)	(\$491,556)	(\$502,502)	(\$513,784)
PART A, Section 12	\$683,456	\$653,878	(\$1,288,356)	(\$1,379,942)
PART A, Section 13	\$0	(\$49,531)	(\$49,531)	(\$49,531)
PART A, Section 14	(\$170,227)	(\$214,715)	(\$220,866)	(\$227,206)
PART A, Section 15	\$0	(\$5,887)	(\$5,887)	(\$5,887)
PART A, Section 16	\$0	(\$4,777)	(\$4,777)	(\$4,777)
PART A, Section 17	\$0	(\$529)	(\$529)	(\$5,000)
PART A, Section 18	(\$384,262)	(\$658,478)	(\$660,279)	(\$662,136)
PART A, Section 19	(\$50,319)	(\$5,288)	(\$5,288)	(\$5,288)
PART A, Section 20	(\$5,267,000)	(\$40,692,145)	(\$40,592,407)	(\$40,615,495)
PART A, Section 21	(\$21,923)	(\$79,573)	(\$79,660)	(\$79,750)
PART A, Section 22	\$0	(\$5,641)	(\$5,641)	(\$5,641)
PART A, Section 23	(\$53,364)	(\$285,371)	(\$287,740)	(\$290,183)
PART A, Section 25	(\$2,240)	(\$5,737)	(\$5,737)	(\$5,737)
PART A, Section 27	(\$3,219,567)	(\$19,775,806)	(\$20,458,108)	(\$20,536,226)
PART A, Section 28	(\$10,659,887)	(\$21,922,249)	(\$21,888,156)	(\$21,823,386)
PART A, Section 29	(\$1,603)	(\$2,554)	(\$2,554)	(\$2,554)
PART A, Section 30	(\$1,859)	(\$2,937)	(\$2,937)	(\$2,937)
PART A, Section 31	\$0	(\$21,935)	(\$22,547)	(\$23,178)
PART A, Section 32	\$0	(\$5,916)	(\$5,916)	(\$5,916)
PART A, Section 33	\$0	(\$38,000)	(\$38,000)	(\$38,000)
PART A, Section 34	(\$126,838)	(\$407,868)	(\$422,092)	(\$436,755)
PART A, Section 35	\$80,000	(\$1,102,054)	(\$1,102,054)	(\$1,102,054)
PART A, Section 36	(\$138,330)	(\$280,648)	(\$285,673)	(\$290,853)
PART A, Section 37	(\$40,285)	(\$182,373)	(\$188,858)	(\$195,543)
PART A, Section 38	(\$85,365)	(\$557,338)	(\$573,227)	(\$589,606)
PART A, Section 39	\$0	(\$323,482)	(\$323,482)	(\$323,482)
PART A, Section 40	\$0	(\$2,920)	(\$2,920)	(\$2,920)
PART A, Section 41	(\$7,016)	(\$58,054)	(\$59,490)	(\$60,969)
PART A, Section 42	\$0	(\$10,731)	(\$10,731)	(\$10,731)

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
PART A, Section 44	\$0	(\$3,397)	(\$3,415)	(\$3,434)
PART A, Section 45	\$0	(\$79,328)	(\$79,328)	(\$79,328)
PART A, Section 46	(\$115,574)	(\$345,135)	(\$350,016)	(\$355,049)
PART A, Section 48	\$0	(\$1,978)	(\$1,978)	(\$1,978)
PART A, Section 49	(\$28,500)	(\$177,666)	(\$181,017)	(\$184,471)
PART A, Section 50	\$0	(\$920)	(\$920)	(\$920)
PART A, Section 51	(\$1,191,130)	(\$1,719,111)	(\$508,278)	(\$560,778)
PART A, Section 52	\$0	(\$3,097,212)	(\$3,097,212)	(\$3,097,212)
PART A, Section 53	\$0	(\$335)	(\$335)	(\$335)
PART B, Section 1	\$0	\$0	\$9,119	\$18,518
PART D, Section 1	(\$60,000)	\$4,220,630	\$3,989,036	\$3,956,470
PART F, Section 8	\$0	(\$956,797)	(\$979,920)	(\$1,003,737)
PART G, Section 14	\$0	(\$1,109,209)	(\$1,121,857)	(\$1,134,894)
PART QQ, Section 3	\$0	(\$1,000,000)	(\$1,000,000)	(\$1,000,000)
PART WW, Section 5	\$0	\$44,000	\$0	\$0
PART YY, Section 4	\$0	(\$250,000)	(\$250,000)	(\$250,000)
PART FFF, Section 3	\$0	(\$1,616,747)	(\$1,662,186)	(\$1,709,025)
PART GGG, Section 4	\$0	\$150,000	\$0	\$0
PART HHH, Section 4	(\$392,911)	(\$20,086,726)	(\$20,086,726)	(\$20,086,726)
PART III, Section 2	\$0	(\$1,000,000)	(\$1,000,000)	(\$1,000,000)
PART JJJ, Section 2	\$0	(\$1,000,000)	(\$1,000,000)	(\$1,000,000)
PART TTT, Section 2	\$0	(\$40,644)	(\$40,644)	(\$40,644)
PART UUU, Section 2	\$0	(\$27,360)	(\$27,360)	(\$27,360)
PART VVV, Section 2	\$0	(\$104,500)	(\$104,500)	(\$104,500)
PART WWW, Section 3	\$0	(\$75,816)	(\$75,816)	(\$75,816)
PART XXX, Section 2	\$0	(\$30,000)	(\$30,000)	(\$30,000)
PART YYY, Section 2	\$0	(\$200,000)	(\$200,000)	(\$200,000)
PART ZZZ, Section 2	(\$168,000)	(\$168,000)	(\$168,000)	(\$168,000)
PART AAAA, Section 3	\$0	(\$250,000)	(\$250,000)	(\$250,000)
PART DDDD, Section 2	\$0	(\$100,000)	(\$101,884)	(\$103,826)
PART EEEE, Section 2	\$0	(\$313,595)	(\$313,595)	(\$313,595)
PART FFFF, Section 3	\$0	(\$2,745,000)	(\$2,829,546)	(\$2,916,696)
PART LLLL, Section 1	\$0	(\$2,219,107)	(\$2,239,281)	(\$2,266,038)
Federal Expenditures Fund				
PART A, Section 2	\$11,338	\$22,834	\$23,463	\$24,111
PART A, Section 12	\$0	\$305,330	\$314,066	\$323,071
PART A, Section 14	\$68,321	\$99,461	\$102,524	\$105,682
PART A, Section 20	\$990	(\$9,130)	(\$9,789)	(\$10,468)
PART A, Section 21	(\$169,294)	(\$175,640)	(\$180,939)	(\$186,401)
PART A, Section 23	(\$1,509)	\$97,387	\$100,268	\$103,237
PART A, Section 27	\$0	(\$52,972)	(\$54,604)	(\$56,286)
PART A, Section 28	(\$5,972,204)	(\$33,352,944)	(\$33,091,313)	(\$33,124,638)
PART A, Section 31	\$0	\$0	\$612	\$1,243
PART A, Section 34	\$285,108	\$291,999	\$300,992	\$310,264
PART A, Section 36	\$0	\$45,270	\$48,659	\$52,153

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
PART A, Section 38	\$199,186	\$462,917	\$476,768	\$491,047
PART A, Section 49	\$0	\$108,798	\$112,149	\$115,6
PART B, Section 1	\$252,764	\$201,156	\$207,572	\$214,186
PART D, Section 1	\$0	(\$7,390,512)	(\$7,303,487)	(\$7,302,677)
PART HHH, Section 4	(\$677,691)	(\$43,518,246)	(\$43,518,246)	(\$43,518,246)
Fund for a Healthy Maine				
PART A, Section 27	\$0	(\$11,741)	(\$11,741)	(\$11,741)
PART A, Section 28	\$0	(\$76,381)	(\$76,381)	(\$76,381)
PART B, Section 1	\$22,379	\$12,584	\$12,968	\$13,364
PART HHHH, Section 5	\$0	\$415,278	\$0	\$0
PART III, Section 4	\$0	\$213,925	\$187,871	\$197,264
Other Special Revenue Funds				
PART A, Section 2	(\$244,138)	\$729,479	\$731,198	\$732,971
PART A, Section 5	(\$7,836)	(\$16,605)	(\$17,116)	(\$17,643)
PART A, Section 6	\$0	\$33,417	\$34,446	\$35,507
PART A, Section 8	\$54,200	\$54,408	\$54,544	\$54,684
PART A, Section 10	\$78,134	\$178,398	\$178,398	\$178,398
PART A, Section 11	\$167,245	\$313,725	\$316,541	\$319,443
PART A, Section 12	(\$91,620)	(\$636,184)	(\$643,670)	(\$651,387)
PART A, Section 14	\$26,057	\$30,885	\$30,850	\$30,815
PART A, Section 18	\$178,350	(\$80,196)	(\$80,196)	(\$80,1
PART A, Section 20	\$825,000	\$0	\$0	\$0
PART A, Section 21	\$713,156	\$738,051	\$743,437	\$748,989
PART A, Section 22	\$0	\$0	\$0	\$0
PART A, Section 23	\$0	(\$3,014)	(\$2,684)	(\$2,344)
PART A, Section 24	\$2,193,750	\$2,925,000	\$2,925,000	\$2,925,000
PART A, Section 26	\$0	\$73,332	\$75,591	\$77,919
PART A, Section 27	\$1,586,067	\$4,969,439	\$4,981,694	\$4,994,327
PART A, Section 28	\$2,136,111	\$8,570,344	\$8,539,177	\$8,615,284
PART A, Section 34	\$269,978	\$67,120	\$67,911	\$68,726
PART A, Section 38	\$0	\$237,339	\$244,108	\$251,085
PART A, Section 41	\$0	\$0	\$0	\$0
PART A, Section 43	\$0	(\$212,867)	(\$219,334)	(\$226,001)
PART A, Section 46	\$103,134	\$690,956	\$647,375	\$653,992
PART A, Section 47	\$0	\$100,000	\$100,730	\$101,483
PART A, Section 49	\$4,000	\$4,000	\$4,000	\$4,000
PART A, Section 51	\$1,577,953	\$850,634	\$850,634	\$850,634
PART A, Section 52	\$156,269	\$356,797	\$356,797	\$356,797
PART A, Section 54	\$205,527	\$156,792	\$156,792	\$156,792
PART B, Section 1	\$454,045	\$317,546	\$328,248	\$339,278
PART D, Section 1	\$0	(\$356,910)	(\$352,561)	(\$348,077)
PART F, Section 8	\$0	\$926,706	\$926,706	\$926,706
PART G, Section 14	\$0	\$890,421	\$890,421	\$890,421
PART WW, Section 5	\$0	\$500	\$500	\$500

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
PART FFF, Section 3	\$0	(\$102,457)	(\$105,634)	(\$108,909)
PART HHH, Section 4	\$0	(\$4,699,500)	(\$4,699,500)	(\$4,699,500)
Federal Block Grant Fund				
PART A, Section 27	\$0	\$8,300	\$8,300	\$8,300
PART A, Section 28	\$255	\$129,580	\$133,413	\$137,362
PART B, Section 1	\$49,067	\$34,568	\$35,593	\$36,649
Financial and Personnel Services Fund				
PART A, Section 1	\$38,753	\$558,534	\$574,715	\$591,395
PART B, Section 1	\$0	\$0	\$1,195	\$2,427
Postal, Printing and Supply Fund				
PART D, Section 1	\$84,904	(\$730,042)	(\$746,643)	(\$763,754)
Office of Information Services Fund				
PART A, Section 1	\$0	\$772,428	\$796,219	\$820,742
PART B, Section 1	\$43,357	\$45,600	\$47,004	\$48,452
PART D, Section 1	(\$84,904)	\$356,336	\$367,312	\$378,625
Central Motor Pool				
PART B, Section 1	\$13,314	\$12,355	\$12,736	\$13,128
Real Property Lease Internal Service Fund				
PART A, Section 1	\$0	\$0	\$221	\$448
Consolidated Emergency Communications Fund				
PART A, Section 46	\$0	\$418,979	\$431,777	\$444,968
Prison Industries Fund				
PART A, Section 12	\$0	(\$135,840)	(\$140,024)	(\$144,336)
State Lottery Fund				
PART A, Section 1	(\$20,000)	(\$15,000)	\$0	\$0
PART D, Section 1	(\$300,000)	(\$600,000)	(\$600,000)	(\$600,000)
Baxter Tree Harvesting Fund				
PART A, Section 8	\$150,000	\$150,000	\$150,000	\$150,000
Revenue				
General Fund				
PART A, Section 1	\$20,000	\$2,651,550	\$2,635,600	\$2,635,600
PART A, Section 20	\$0	(\$124,137)	(\$127,960)	(\$131,901)
PART A, Section 34	\$0	(\$6,000)	(\$6,000)	(\$6,000)
PART D, Section 1	\$300,000	\$2,200,000	\$2,200,000	\$2,200,000
PART E, Section 7	\$0	\$1,000,000	\$1,000,000	\$1,000,000

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
PART F, Section 8	\$0	(\$803,357)	(\$803,357)	(\$803,357)
PART G	\$0	(\$837,000)	(\$837,000)	(\$837,000)
PART L, Section 1	\$0	\$0	(\$2,425,000)	(\$2,000,000)
PART M	\$0	\$94,900	\$94,800	\$94,800
PART N	\$0	(\$1,299,708)	(\$1,732,944)	(\$1,732,944)
PART JJ, Section 9	\$0	\$1,000,000	\$1,000,000	\$1,000,000
PART RR	\$0	\$183,492	\$1,480,720	\$3,024,435
PART SS	\$0	\$91,670	\$188,727	\$376,085
PART WW	\$0	\$2,975,317	\$2,585,596	\$1,504,643
PART ZZ, Section 1	\$0	\$600,000	\$0	\$0
PART CCC	\$14,326	\$48,321	\$88,895	\$182,734
PART LLL, Section 1	\$0	\$232,302	\$228,023	\$228,023
PART OOO, Section 1	(\$1,398)	\$0	\$0	\$0
PART PPP	\$0	\$533,174	\$533,174	\$533,174
PART QQQ	\$0	\$117,600	\$117,600	\$117,600
PART BBBB, Section 2	\$0	\$2,714,140	\$3,322,975	\$4,291,459
PART GGGG, Section 1	\$0	\$106,000	\$106,000	\$106,000
PART LLLL, Section 1	\$0	(\$901,550)	(\$900,600)	(\$900,600)

Other Special Revenue Funds

PART A, Section 1	\$0	\$48,450	\$49,401	\$49,401
PART F, Section 8	\$0	\$926,706	\$926,706	\$926,706
PART G	\$0	\$890,421	\$890,421	\$890,421
PART WW	\$0	(\$4,778)	(\$40,284)	(\$121,518)
PART WW, Section 2	\$0	(\$3,062,414)	(\$3,320,000)	(\$3,720,000)
PART LLL, Section 1	\$0	\$4,364	\$8,643	\$8,643
PART BBBB, Section 2	\$0	\$145,860	\$182,273	\$235,396
PART KKKK, Section 1	\$0	\$21,786	\$22,457	\$23,149
PART LLLL, Section 1	\$0	(\$48,450)	(\$49,401)	(\$49,401)

Transfers

General Fund

PART E, Section 8	\$160,000	\$0	\$0	\$0
PART H, Section 1	\$500,000	\$1,117,799	\$0	\$0
PART H, Section 2	\$10,438,051	\$0	\$0	\$0
PART H, Section 3	\$16,832,248	\$0	\$0	\$0
PART H, Section 4	\$0	\$185,196	\$0	\$0
PART J, Section 1	\$14,648	\$0	\$0	\$0
PART L, Section 3	\$270,398	\$271,434	\$0	\$0
PART U, Section 1	\$0	\$15,000	\$0	\$0
PART U, Section 2	\$0	\$150,000	\$0	\$0
PART V, Section 1	(\$400,000)	(\$350,000)	\$0	\$0
PART BB, Section 1	\$730,641	\$0	\$0	\$0
PART BB, Section 2	\$331,921	\$0	\$0	\$0
PART BB, Section 3	\$300,000	\$0	\$0	\$0
PART FF, Section 1	\$28,960	\$0	\$0	\$0

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
PART II, Section 1	\$120,000	\$200,000	\$0	\$0
PART LL, Section 1	\$122,350	\$194,600	\$0	\$0
PART LL, Section 2	\$9,000	\$15,000	\$0	\$0
PART LL, Section 3	\$25,000	\$50,000	\$0	\$0
PART LL, Section 4	\$0	\$1,021,234	\$0	\$0
PART NN, Section 2	\$0	\$53,590	\$0	\$0
PART PP, Section 1	\$2,750,000	\$0	\$0	\$0
PART VV, Section 1	\$0	\$356,200	\$0	\$0
PART BBB, Section 1	\$0	\$184,328	\$0	\$0
PART MMM, Section 1	\$500,000	\$400,000	\$0	\$0
PART OOO, Section 1	\$10,200,000	(\$10,200,000)	\$0	\$0
PART HHHH, Section 1	\$225,000	\$1,000,000	\$0	\$0
PART HHHH, Section 2	\$0	\$150,000	\$0	\$0
PART HHHH, Section 3	\$0	\$41,000	\$0	\$0
PART HHHH, Section 4	\$0	\$273,406	\$0	\$0
Fund for a Healthy Maine				
PART HHHH, Section 1	(\$225,000)	(\$1,000,000)	\$0	\$0
PART HHHH, Section 2	\$0	(\$150,000)	\$0	\$0
PART HHHH, Section 3	\$0	(\$41,000)	\$0	\$0
PART HHHH, Section 4	\$0	(\$273,406)	\$0	\$0