

# MAINE STATE LEGISLATURE

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Date: 3-31-08

(Filing No. S-539)

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**STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

SENATE AMENDMENT "E" to H.P. 1651, L.D. 2289, Bill, "An Act Making 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"

Amend the bill by striking out all of Part L and inserting the following:

**PART L**

**Sec. L-1. Transfers to Maine Clean Election Fund.** In addition to the transfers authorized pursuant to the Maine Revised Statutes, Title 21-A, section 1124, the State Controller shall transfer \$2,425,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before June 1, 2010 and shall transfer an additional \$2,000,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before August 1, 2010.

**Sec. L-2. Reduction in payments under the Maine Clean Election Fund.** Notwithstanding the procedures set forth in the Maine Revised Statutes, Title 21-A, section 1125, subsection 8, the Commission on Governmental Ethics and Election Practices shall reduce the initial payment amounts established for Maine Clean Election Act candidates in the 2008 and 2009 general election by 10%.

**Sec. L-3. Transfer of funds from Maine Clean Election Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$270,398 on or before June 30, 2008 and \$271,434 on or before June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund.'

Amend the bill by striking out all of Part AAAA and inserting the following:

**PART AAAA**

**Sec. AAAA-1. 36 MRSA §5200-A, sub-§2, ¶H,** as amended by PL 2005, c. 218, §56, is further amended to read:

H. For each taxable year subsequent to the year of the loss, an amount equal to the absolute value of the net operating loss arising from tax years beginning on or after

R.018

SENATE AMENDMENT "E" to H.P. 1651, L.D. 2289

1 January 1, 1989 but before January 1, 1993 and the absolute value of the amount of  
2 any net operating loss arising from tax years beginning on or after January 1, 2002,  
3 for which federal adjusted gross income was increased under subsection 1, paragraph  
4 H and that, pursuant to the Code, Section 172, was carried back for federal income  
5 tax purposes, less the absolute value of loss used in the taxable year of loss to offset  
6 any addition modification required by subsection 1, but only to the extent that:

- 7 (1) Maine taxable income is not reduced below zero;
- 8 (2) The taxable year is within the allowable federal period for carry-over; ~~and~~
- 9 (3) The amount has not been previously used as a modification pursuant to this  
10 subsection; and
- 11 (4) For taxable years beginning in 2008 or 2009, the amount does not exceed  
12 \$100,000. In the case of an affiliated group of corporations engaged in a unitary  
13 business, the \$100,000 threshold applies with respect to the entire affiliated group  
14 of corporations.

15 **Sec. AAAA-2. 36 MRSA §5200-A, sub-§2, ¶L,** as amended by PL 2005, c.  
16 416, §4, is further amended to read:

17 L. An amount equal to the absolute value of any net operating loss arising from a tax  
18 year beginning or ending in 2001 for which federal taxable income was increased  
19 under subsection 1, paragraph M and that, pursuant to Section 102 of the federal Job  
20 Creation and Worker Assistance Act of 2002, Public Law 107-147, was carried back  
21 more than 2 years to the taxable year for federal income tax purposes, but only to the  
22 extent that:

- 23 (1) Maine taxable income is not reduced below zero;
- 24 (2) The taxable year is either within 2 years prior to the year in which the loss  
25 arose or within the allowable federal period for carry-over of net operating losses;  
26 ~~and~~
- 27 (3) The amount has not been previously used as a modification pursuant to this  
28 subsection; and
- 29 (4) For taxable years beginning in 2008 or 2009, the amount does not exceed  
30 \$100,000. In the case of an affiliated group of corporations engaged in a unitary  
31 business, the \$100,000 threshold applies with respect to the entire affiliated group  
32 of corporations.'

33 Amend the bill in Part BBBB by inserting after section 2 the following:

34 **'Sec. BBBB-3. 36 MRSA §6207, sub-§2-A** is enacted to read:

35 2-A. Income eligibility. Claimants with household incomes in excess of \$75,000  
36 are not eligible for a benefit.'

37 Amend the bill by striking out all of Part FFFF.

38 Amend the bill by striking out all of Part LLLL.

# SENATE AMENDMENT

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1 Amend the bill by inserting after Part PPPP the following:

2 **PART QQQQ**

3 **Sec. QQQQ-1. Survey; noncategorical waiver program.** The Department of  
4 Health and Human Services shall enter into a contract with an independent entity to  
5 conduct a survey of members enrolled in the childless adult waiver program in  
6 cooperation with the federal Centers for Medicare and Medicaid Services. The goals of  
7 the survey are:

8 1. To obtain a longitudinal profile of the health, employment and socioeconomic  
9 status of the enrolled members;

10 2. To gather information that will enable the formulation of a recommendation  
11 regarding an improved suite of benefits to better serve a greater number of people at  
12 lesser cost; and

13 3. To find efficiencies that will enable the State to best deploy available resources to  
14 improve the health and welfare of those whose incomes are below 100% of the federal  
15 poverty level.

16 The department shall submit a report detailing the results of the survey to the joint  
17 standing committee of the Legislature having jurisdiction over health and human services  
18 matters by December 3, 2008.

19 **Sec. QQQQ-2. Appropriations and allocations.** The following appropriations  
20 and allocations are made.

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

22 **Bureau of Medical Services 0129**

23 Initiative: Provides funds for the Department of Health and Human Services to contract  
24 for an independent survey of members enrolled in the childless adult waiver program in  
25 cooperation with the federal Centers for Medicare and Medicaid Services. The goals of  
26 the survey are to obtain a longitudinal profile of the health, employment and  
27 socioeconomic status of the population; to recommend an improved suite of benefits to  
28 better serve a greater number of people at lesser cost; and to find efficiencies that will  
29 enable the State to best deploy available resources to improve the health and welfare of  
30 those whose incomes are below 100% of the federal poverty line.

31	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
32	All Other	\$0	\$75,000
33			
34	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$75,000</b>

35			
36	<b>FEDERAL EXPENDITURES FUND</b>	<b>2007-08</b>	<b>2008-09</b>
37	All Other	\$0	\$75,000

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2 FEDERAL EXPENDITURES FUND TOTAL \$0 \$75,000

3 PART RRRR

4 **Sec. RRRR-1. Appropriations and allocations.** The following appropriations  
5 and allocations are made.

6 JUDICIAL DEPARTMENT

7 Courts - Supreme, Superior, District and Administrative 0063

8 Initiative: Provides funds to continue the Kennebec County Co-Occurring Disorders  
9 Court program by providing funds for intensive case management and for substance  
10 abuse testing.

11			
12	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
13	All Other	\$0	\$85,000
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$85,000</u>

16 PART SSSS

17 **Sec. SSSS-1. Transfer of funds.** Notwithstanding any other provision of law,  
18 the State Controller shall transfer \$3,428,889 in fiscal year 2008-09 from the Fund for a  
19 Healthy Maine to the unappropriated surplus of the General Fund no later than June 30,  
20 2009.

21 PART TTTT

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

- 25 1. Directly related to the care of residents, wards, foster children and other
- 26 individuals under state care or protection;
- 27 2. Required in the execution of law enforcement investigations, interstate contracts
- 28 directly related to the extradition of an individual or the transfer of an individual to or
- 29 from a correctional facility;
- 30 3. Directly involved in the securing of revenue or that directly affects revenue; or
- 31 4. Required in emergencies or other extraordinary circumstances.

32 **Sec. TTTT-2. Calculation and transfer; General Fund out-of-state travel**  
33 **savings.** Notwithstanding any other provision of law, the State Budget Officer shall

R.083

SENATE AMENDMENT "E" to H.P. 1651, L.D. 2289

1 calculate the amount of projected savings in section 3 that applies against each General  
2 Fund account for all executive branch departments and independent agencies from  
3 savings resulting from a reduction in out-of-state travel under section 1 and shall transfer  
4 the amounts by financial order upon the approval of the Governor. These transfers are  
5 considered adjustments to appropriations in fiscal year 2008-09.

6 **Sec. TTTT-3. Appropriations and allocations.** The following appropriations  
7 and allocations are made.

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

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

11			
12	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
13	All Other	\$0	(\$250,000)
14			
15	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$250,000)</b>

16 **PART UUUU**

17 **Sec. UUUU-1. Legislative account; lapsed balances; Office of Program**  
18 **Evaluation and Government Accountability - General Fund.** Notwithstanding  
19 any other provision of law, \$16,517 of unencumbered balance forward in the Personal  
20 Services line category and \$300,964 in the unencumbered balance forward in the All  
21 Other line category in the Office of Program Evaluation and Government Accountability  
22 General Fund account in the Legislature lapses to the General Fund in fiscal year 2008-  
23 09.

24 **Sec. UUUU-2. Appropriations and allocations.** The following appropriations  
25 and allocations are made.

26 **PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY,**  
27 **OFFICE OF**

28 **Office of Program Evaluation and Government Accountability 0976**

29 Initiative: Deappropriates funds from the office that are not necessary.

30	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
31	All Other	(\$195,000)	\$0
32			
33	<b>GENERAL FUND TOTAL</b>	<b>(\$195,000)</b>	<b>\$0</b>

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PART VVVV

Sec. VVVV-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:

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 95% of a Legislator's share of the individual premium for the standard plan identified and offered by the commission and available to the Legislator 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.

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.

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:

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

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





R.03

1 **Executive Branch Departments and Independent Agencies - Statewide 0017**  
2 Initiative: Deappropriates savings resulting from the phasing out of publishing legal and  
3 public notices in the newspaper.

4	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
5	All Other	\$0	(\$89,000)
6			
7	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$89,000)</b>

8 **PART XXXX**

9 **Sec. XXXX-1. Transfer of funds; Conservation Program Fund.**  
10 Notwithstanding any other provision of law, the State Controller shall transfer \$750,000  
11 from the Conservation Program Fund, Other Special Revenue Funds program within the  
12 Public Utilities Commission to General Fund unappropriated surplus on or before June  
13 30, 2008.

14 **PART YYYY**

15 **Sec. YYYY-1. Appropriations and allocations.** The following appropriations  
16 and allocations are made.

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

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

19 Initiative: Reduces funding by managing enrollment in the childless adult waiver program  
20 and maximizing the use of the federal allocation in the Qualified Individual program and  
21 other efficiencies in the MaineCare program.

22	<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
23	All Other	\$0	(\$3,000,000)
24			
25	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$3,000,000)</b>

26	<b>FEDERAL EXPENDITURES FUND</b>	<b>2007-08</b>	<b>2008-09</b>
27	All Other	\$0	(\$5,364,372)
28			
29	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>(\$5,364,372)</b>

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31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
32 section number to read consecutively.

SUMMARY

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This amendment accomplishes the following.

1. It transfers \$2,425,000 from General Fund undedicated revenue to the Maine Clean Election Fund in fiscal year 2009-10 and \$2,000,000 in fiscal year 2010-11. It authorizes the Commission on Governmental Ethics and Election Practices to reduce the initial payment amounts established for Maine Clean Election Act candidates in the 2008 and 2009 general election by 10%. It also authorizes the State Controller to transfer \$270,398 on or before June 30, 2008 and \$271,434 on or before June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund.

2. It amends the Maine Revised Statutes, Title 36, section 5200-A, subsection 2, paragraphs H and L to limit the subtraction modification for the recapture of carry-back net operating losses to \$100,000 in taxable years beginning in 2008 and 2009. Unused amounts resulting from the limitation may be carried over to future tax years that are within the federal carry-over period for net operating losses.

3. It establishes a household income limitation of \$75,000 for nonelderly claimants under the Maine Residents Property Tax Program.

4. It removes the requirement that the Treasurer of State implement a policy requiring the annual sale of shares of stock that are delivered to the State as unclaimed property.

5. It repeals that Part of the bill that eliminated the Office of Program Evaluation and Government Accountability.

6. It directs the Department of Health and Human Services to enter into a contract with an independent entity to conduct a survey of persons covered by the noncategorical waiver program in order to recommend an improved suite of benefits to better serve a greater number of people at lesser cost and to find efficiencies to enable the State to best deploy available resources to improve the health and welfare of those whose incomes are below 100% of the federal poverty level.

7. It provides funds to the Judicial Department to continue funding of the Kennebec County Co-Occurring Disorders Court program. The funds will be used for intensive case management and substance abuse testing.

8. It transfers the unexpended balance from the Fund for a Healthy Maine.

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

10. It deappropriates \$195,000 from the Office of Program Evaluation and Government Accountability for fiscal year 2007-08 and lapses \$317,481 from the office in unencumbered balances forward to the General Fund.

11. It deappropriates projected health insurance savings resulting from a reduction in the state share from 100% to 95% of the individual premium for Legislators.

R. 013

SENATE AMENDMENT "E" to H.P. 1651, L.D. 2289

1 12. It authorizes executive branch agencies to truncate the requirements regarding  
2 legal and public notice publication and directs that savings in the amount of \$89,000 be  
3 identified and transferred to the General Fund.

4 13. It directs the State Controller to transfer \$750,000 from the Conservation  
5 Program Fund within the Public Utilities Commission to the General Fund  
6 unappropriated surplus.

7 14. It reduces funding by managing enrollment in the childless adult waiver program  
8 and maximizing the use of the federal allocation in the Qualified Individual program and  
9 other efficiencies in the MaineCare program.

10

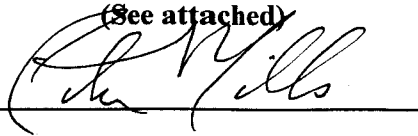
**FISCAL NOTE REQUIRED**

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(See attached)

12

**SPONSORED BY:** \_\_\_\_\_



13

(Senator MILLS, P.)

14

**COUNTY:** Somerset

**123rd MAINE LEGISLATURE****LD 2289****LR 3624(14)****An Act Making 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 Senate Amendment "E"****Sponsor: Sen. Mills, P. of Somerset****Fiscal Note Required: Yes****Fiscal Note**

	<b>2007-08</b>	<b>2008-09</b>	<b>Projections 2009-10</b>	<b>Projections 2010-11</b>
<b>Net Cost (Savings)</b>				
General Fund	(\$1,080,199)	\$418,562	(\$10,081,946)	(\$2,192,898)
Fund for a Healthy Maine	\$0	\$3,428,889	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	(\$195,000)	(\$2,948,012)	(\$3,013,656)	(\$3,004,011)
Federal Expenditures Fund	\$0	(\$5,289,372)	(\$5,364,372)	(\$5,364,372)
<b>Revenue</b>				
General Fund	\$0	(\$6,931,180)	\$7,068,290	(\$811,113)
Other Special Revenue Funds	\$0	\$111,180	\$387,713	(\$44,491)
<b>Transfers</b>				
General Fund	\$885,199	\$3,564,606	\$0	\$0
Fund for a Healthy Maine	\$0	(\$3,428,889)	\$0	\$0
Other Special Revenue Funds	(\$750,000)	\$0	\$0	\$0

**Fiscal Detail and Notes**

This amendment will decrease the General Fund cost of the bill by \$1,080,199 in fiscal year 2007-08 and increase the General Fund cost of the bill by \$418,562 in fiscal year 2008-09. Based on the estimated year-end balances, this amendment maintains a balanced budget for the 2008-2009 biennium.

This amendment will increase the Fund for a Healthy Maine cost of the bill by \$3,428,889 in fiscal year 2008-09. Based on the estimated year-end balances in the Fund for a Healthy Maine, the Fund for a Healthy Maine maintains a balanced budget for the 2008-2009 biennium.