

MAINE STATE LEGISLATURE

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Date: 2-11-14

(Filing No. H-607)

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STATE OF MAINE

5

HOUSE OF REPRESENTATIVES

6

126TH LEGISLATURE

7

SECOND REGULAR SESSION

8

HOUSE AMENDMENT "F" to H.P. 1264, L.D. 1762, Bill, "An Act Related to the Report of the Tax Expenditure Review Task Force"

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Amend the bill by inserting after the enacting clause and before section 1 the following:

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Sec. 1. 9-B MRSA §161, sub-§2, ¶I, as amended by PL 2001, c. 262, Pt. B, §3, is further amended to read:

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I. Any disclosure of financial records made pursuant to Title 22, section 16, or 17 or 4314;

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Sec. 2. 14 MRSA §6002, sub-§1, as repealed and replaced by PL 2009, c. 171, §2, is amended to read:

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1. Causes for 7-day notice of termination of tenancy. Notwithstanding any other provisions of this chapter, the tenancy may be terminated upon 7 days' written notice in the event that the landlord can show, by affirmative proof, that:

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A. The tenant, the tenant's family or an invitee of the tenant has caused substantial damage to the demised premises that the tenant has not repaired or caused to be repaired before the giving of the notice provided in this subsection;

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B. The tenant, the tenant's family or an invitee of the tenant caused or permitted a nuisance within the premises, has caused or permitted an invitee to cause the dwelling unit to become unfit for human habitation or has violated or permitted a violation of the law regarding the tenancy; or

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C. The tenant is 7 days or more in arrears in the payment of rent.

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If a tenant who is 7 days or more in arrears in the payment of rent pays the full amount of rent due before the expiration of the 7-day notice in writing, that notice is void. Thereafter, in all residential tenancies at will, if the tenant pays all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually expended by the landlord before the issuance of the writ of possession as provided by section 6005, then the tenancy must be reinstated and no writ of possession may issue.

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In the event that the landlord or the landlord's agent has made at least 3 good faith efforts to personally serve the tenant in-hand, that service may be accomplished by both mailing

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ROFS

1 the notice by first class mail to the tenant's last known address and by leaving the notice
2 at the tenant's last and usual place of abode.

3 ~~Payment or written assurance of payment through the general assistance program, as~~
4 ~~authorized by the State or a municipality pursuant to Title 22, chapter 1161, has the same~~
5 ~~effect as payment in cash.~~

6 **Sec. 3. 14 MRSA §6026, sub-§9**, as enacted by PL 1983, c. 764, §2, is amended
7 to read:

8 **9. Lack of heat.** If the landlord fails to comply with the provisions of ~~Title 14,~~
9 section 6021, subsection 6, then the purchase of heating fuel by the tenant ~~shall~~ must be
10 deemed to be a "cost of compliance" within the meaning of subsection 2. ~~For tenants on~~
11 ~~general assistance, municipalities shall have the rights of tenants under this subsection.~~

12 **Sec. 4. 14 MRSA §6026, sub-§10**, as enacted by PL 2009, c. 566, §14, is
13 amended to read:

14 **10. Foreclosure.** For tenancies in buildings in which a foreclosure action brought
15 pursuant to section 6203-A or 6321 has been filed and is currently pending, or in which a
16 foreclosure judgment has been entered, if the landlord fails to maintain the premises in
17 compliance with the standards in subsection 1, a tenant may exercise the tenant's rights
18 pursuant to this section without regard to the cost of compliance limitations set forth in
19 subsection 2, except that the reasonable costs of compliance may not be more than the
20 equivalent of 2 months' rent. ~~A tenant who exercises the tenant's rights under this~~
21 ~~subsection and who thereafter seeks assistance pursuant to Title 22, chapter 1161 may not~~
22 ~~have any amounts expended under this subsection counted as income pursuant to Title 22,~~
23 ~~section 4301, subsection 7.~~

24 **Sec. 5. 17-A MRSA §905-C, sub-§2, ¶A**, as enacted by PL 2011, c. 687, §1, is
25 repealed.

26 **Sec. 6. 22 MRSA §1714-D**, as enacted by PL 2011, c. 657, Pt. H, §1 and affected
27 by §5, is amended by adding a new paragraph at the end to read:

28 Beginning 90 days after adjournment of the Second Regular Session of the 126th
29 Legislature, the department shall reimburse licensed critical access hospitals at 101% of
30 MaineCare allowable costs for both inpatient and outpatient services provided to patients
31 covered by the MaineCare program. Of the total allocated from hospital tax revenues
32 under Title 36, chapter 375, \$1,000,000 in state and federal funds must be distributed
33 annually among critical access hospitals for staff enhancement payments.

34 **Sec. 7. 22 MRSA §3173-C, sub-§7, ¶I**, as enacted by PL 1993, c. 6, Pt. C, §8, is
35 repealed.

36 **Sec. 8. 22 MRSA §3173-C, sub-§7, ¶K**, as amended by PL 1993, c. 410, Pt. I,
37 §8, is repealed.

38 **Sec. 9. 22 MRSA §3174-FF, sub-§3, ¶F**, as enacted by PL 2003, c. 673, Pt.
39 MMM, §1, is repealed.

40 **Sec. 10. 22 MRSA §3174-VV**, as reallocated by RR 2011, c. 2, §27, is repealed.

41 **Sec. 11. 22 MRSA §3174-XX** is enacted to read:

§3174-XX. Termination of coverage or reimbursement

The MaineCare program may not provide reimbursement for:

1. Methadone. Methadone for the treatment of addiction to opiates as defined in Title 17-A, section 1101, subsection 7;

2. Chiropractic services. Chiropractic services;

3. Podiatry services. Podiatry services; and

4. Screening clinic services. Screening clinic services for sexually transmitted diseases.

Sec. 12. 22 MRSA §3761, sub-§1, as repealed and replaced by PL 1993, c. 707, Pt. I, §3, is amended to read:

1. Benefits; emergency situation. Benefits to needy families with children in emergency situations in which the family is deprived of the basic necessities essential to their support, including, but not limited to, utility terminations, lack of adequate shelter, fire and other natural disasters. In determining what constitutes an emergency with respect to utility terminations, the department shall grant assistance when an otherwise qualified family has received a disconnection notice and has exhausted its ability to negotiate and pay the terms of a reasonable payment arrangement. ~~The program may not be used to supplant local responsibility for operating or funding a general assistance program. The department shall not expend more than \$750,000 of state general assistance funds for the purposes of covering the cost of services set out in this subsection; and~~

Sec. 13. 22 MRSA §3763, sub-§9, ¶¶B and C, as enacted by PL 1997, c. 530, Pt. A, §16, are repealed.

Sec. 14. 22 MRSA §3811, sub-§3, as amended by PL 2011, c. 687, §11, is further amended to read:

3. Overpayment. "Overpayment" means program benefits that exceed the amount of program benefits for which an individual or assistance unit is eligible when the department or a court has determined that the benefits were provided as a result of an intentional program violation, an unintentional error by the individual or household or an error by the department. "Overpayment" does not include an overpayment for medical services by the department pursuant to chapter 855 ~~or municipal general assistance pursuant to chapter 1161,~~ if the overpayment occurred due to an unintentional error by the individual or household or an error by the department ~~or by the municipality in the case of municipal general assistance under chapter 1161.~~

Sec. 15. 22 MRSA §3811, sub-§4, as amended by PL 2011, c. 687, §12, is further amended to read:

4. Program benefits. "Program benefits" means money payments or food coupons issued by the department pursuant to an application for benefits made by an individual to Aid to Families with Dependent Children established in former chapter 1053, the food stamp program established in chapter 851 or the Temporary Assistance to Needy Families program established in chapter 1053-B, ~~or money payments or vouchers issued by a~~

1 ~~municipal general assistance program established pursuant to chapter 1161~~, or payments
2 for medical services issued by the department pursuant to the MaineCare program
3 established pursuant to chapter 855.

4 **Sec. 16. 22 MRSA c. 1161**, as amended, is repealed.

5 **Sec. 17. 22 MRSA §5304, sub-§11, ¶C**, as enacted by PL 1973, c. 793, §12, is
6 amended to read:

7 C. Any income maintenance, income supplement, public assistance, ~~general~~
8 ~~assistance~~, welfare, donated food or food stamp program.

9 **Sec. 18. 30-A MRSA §2652, sub-§3, ¶B**, as amended by PL 2009, c. 589, §7, is
10 further amended to read:

11 B. Permit for the disposition of human remains, \$20, ~~except that no fee is owed if~~
12 ~~the disposition of human remains is paid for through the municipal general assistance~~
13 ~~program under chapter 1161~~; and

14 **Sec. 19. 30-A MRSA §5052, sub-§1, ¶C**, as amended by PL 1991, c. 610, §21,
15 is further amended to read:

16 C. The level of ~~general assistance by the State and the municipality~~, as well as the
17 ~~level of federal assistance to persons in these areas~~, must be considered.

18 **Sec. 20. 30-A MRSA §5721-A, sub-§4**, as amended by PL 2013, c. 368, Pt. G,
19 §1, is further amended to read:

20 **4. Adjustment for new state funding.** If the State provides net new funding to a
21 municipality for existing services funded in whole or in part by the property tax levy,
22 other than required state mandate funds pursuant to section 5685 that do not displace
23 current property tax expenditures, the municipality shall lower its property tax levy limit
24 in that year in an amount equal to the net new funds. For purposes of this subsection,
25 "net new funds" means the amount of funds received by the municipality from the State
26 during the most recently completed calendar year, with respect to services funded in
27 whole or in part by the property tax levy, less the product of the following: the amount of
28 such funds received in the prior calendar year multiplied by one plus the growth
29 limitation factor described in subsection 3. "Net new funds" refers to state-municipal
30 revenue sharing and does not include changes in ~~state funding for general assistance~~
31 ~~under Title 22, section 4311~~ or in state funding under the Local Road Assistance Program
32 under Title 23, section 1803-B if those changes are the result of the operation of the
33 formula for calculation of state funding under that section but does include changes in
34 funding that are the result of a statutory change in the formula for calculation of state
35 funding under that section. If the calculation required by this subsection reveals that the
36 municipality received or will receive a net reduction in funding, the municipality is
37 authorized to adjust its property tax levy limit in an amount equal to the net reduction of
38 funds. For the purpose of determining if there was or will be a net reduction in funding,
39 the municipality may consider only those funds that are net new funds. For purposes of
40 this subsection, with respect to the development of any municipal budget that was finally
41 adopted on or before July 1, 2013, "net reduction in funding" means the amount of funds
42 received by the municipality from the State during the calendar year immediately
43 preceding the most recently completed calendar year less the amount of such funds

1 received in the most recently completed calendar year. For the purposes of this
2 subsection, with respect to the development of a municipal budget that is finally adopted
3 after July 1, 2013, a municipality may calculate net reduction in funding as the amount of
4 funds received by the municipality from the State during the municipal fiscal year
5 immediately preceding the fiscal year for which the budget is being developed less the
6 amount of such funds that will be received during the fiscal year for which the budget is
7 being prepared, as reasonably calculated on the basis of all available information. If the
8 calculation required by this subsection yields a positive value, that value may be added to
9 the municipality's property tax levy limit. If a municipality receives net new funds in any
10 fiscal year for which its property tax levy limit has not been adjusted as provided in this
11 subsection, the municipality shall adjust its property tax levy limit in the following year
12 in an amount equal to the net new funds.

13 **Sec. 21. 30-A MRSA §7102, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2
14 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
15 further amended to read:

16 **1. Schools.** For school purposes as part of a school administrative unit, as defined
17 in Title 20-A, section 1, subsection 26; and

18 **Sec. 22. 30-A MRSA §7102, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2
19 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
20 repealed.

21 **Sec. 23. 36 MRSA §6216, 2nd ¶**, as amended by PL 2013, c. 368, Pt. OO, §13, is
22 further amended to read:

23 Benefits received under this chapter may not be included as income for purposes of
24 any state or municipally administered public benefit program ~~except for general~~
25 ~~assistance under Title 22, chapter 1161, unless used for basic necessities as defined in~~
26 ~~Title 22, section 4301, subsection 1.~~ Benefits received under this chapter may be
27 considered for purposes of determining eligibility for abatement under section 841,
28 subsection 2.

29 **Sec. 24. 39-A MRSA §106**, as amended by PL 1995, c. 694, Pt. D, §63 and
30 affected by Pt. E, §2, is further amended to read:

31 **§106. Invalidity of waiver of rights; claims not assignable**

32 No agreement by an employee, unless approved by the board or by the Commissioner
33 of Labor, to waive the employee's rights to compensation under this Act is valid. No
34 claims for compensation under this Act are assignable or subject to attachment or liable in
35 any way for debt, except for the enforcement of a current support obligation or support
36 arrears pursuant to Title 19-A, chapter 65, subchapter H 2, article 3 or Title 19-A, chapter
37 65, subchapter III, ~~or for reimbursement of general assistance pursuant to Title 22, section~~
38 ~~4318 3.'~~

39 Amend the bill by striking out all of section 2 and inserting the following:

40 'Sec. 2. PL 2013, c. 368, Pt. S, §9 is repealed.'

41 Amend the bill by striking out all of sections 4 and 5 and inserting the following:

1 **'Sec. 4. Appropriations and allocations.** The following appropriations and
 2 allocations are made.

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

4 **Mental Health Services - Community Medicaid 0732**

5 Initiative: Deappropriates funds due to the elimination of MaineCare reimbursement for
 6 methadone for the treatment of addiction to opiates.

7	GENERAL FUND	2013-14	2014-15
8	All Other	\$0	(\$1,964,832)
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,964,832)</u>

11 **Office of Substance Abuse and Mental Health Services - Medicaid Seed 0844**

12 Initiative: Deappropriates funds due to the elimination of MaineCare reimbursement for
 13 methadone for the treatment of addiction to opiates.

14	GENERAL FUND	2013-14	2014-15
15	All Other	\$0	(\$566,990)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$566,990)</u>

18 **HEALTH AND HUMAN SERVICES,**
 19 **DEPARTMENT OF (FORMERLY BDS)**
 20 **DEPARTMENT TOTALS**

21		2013-14	2014-15
22	GENERAL FUND	\$0	(\$2,531,822)
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>(\$2,531,822)</u>

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

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

27 Initiative: Deappropriates funds from eliminating state funding for the General Assistance
 28 - Reimbursement to Cities and Towns program.

29	GENERAL FUND	2013-14	2014-15
30	All Other	\$0	(\$12,148,875)
31			
32	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$12,148,875)</u>

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

HOUSE AMENDMENT "F" to H.P. 1264, L.D. 1762

1 Initiative: Deappropriates and deallocates funds due to the elimination of MaineCare
 2 reimbursement for methadone for the treatment of addiction to opiates.

3	GENERAL FUND	2013-14	2014-15
4	All Other	\$0	(\$1,961,141)
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,961,141)</u>

7	FEDERAL EXPENDITURES FUND	2013-14	2014-15
8	All Other	\$0	(\$7,240,263)
9			
10	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$7,240,263)</u>

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

12 Initiative: Reduces funding by eliminating sexually transmitted disease screening clinic
 13 services as an optional service in the MaineCare program.

14	GENERAL FUND	2013-14	2014-15
15	All Other	\$0	(\$217,951)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$217,951)</u>

18	FEDERAL EXPENDITURES FUND	2013-14	2014-15
19	All Other	\$0	(\$241,610)
20			
21	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$241,610)</u>

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

23 Initiative: Reduces funding by eliminating podiatry services as an optional service in the
 24 MaineCare program.

25	GENERAL FUND	2013-14	2014-15
26	All Other	\$0	(\$370,903)
27			
28	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$370,903)</u>

1	FEDERAL EXPENDITURES FUND	2013-14	2014-15
2	All Other	\$0	(\$585,423)
3			
4	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$585,423)</u>
5	Medical Care - Payments to Providers 0147		
6	Initiative: Reduces funding by eliminating chiropractic services as an optional service in		
7	the MaineCare program.		
8	GENERAL FUND	2013-14	2014-15
9	All Other	\$0	(\$375,344)
10			
11	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$375,344)</u>
12	FEDERAL EXPENDITURES FUND	2013-14	2014-15
13	All Other	\$0	(\$606,525)
14			
15	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$606,525)</u>
16	Medical Care - Payments to Providers 0147		
17	Initiative: Reduces funding by reducing reimbursement to critical access hospitals from		
18	109% to 101% of allowable costs.		
19	GENERAL FUND	2013-14	2014-15
20	All Other	\$0	(\$2,448,000)
21			
22	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$2,448,000)</u>
23	FEDERAL EXPENDITURES FUND	2013-14	2014-15
24	All Other	\$0	(\$3,918,710)
25			
26	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$3,918,710)</u>
27	HEALTH AND HUMAN SERVICES,		
28	DEPARTMENT OF (FORMERLY DHS)		
29	DEPARTMENT TOTALS	2013-14	2014-15
30			
31	GENERAL FUND	\$0	(\$17,522,214)
32	FEDERAL EXPENDITURES FUND	\$0	(\$12,592,531)

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DEPARTMENT TOTAL - ALL FUNDS	_____	\$0	(\$30,114,745)
 SECTION TOTALS		2013-14	2014-15
GENERAL FUND		\$0	(\$20,054,036)
FEDERAL EXPENDITURES FUND		\$0	(\$12,592,531)
 SECTION TOTAL - ALL FUNDS	_____	\$0	(\$32,646,567)

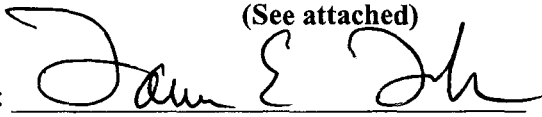
Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment retains the provision of the bill that repeals the reduction to state-municipal revenue sharing; repeals the provision in Public Law 2013, chapter 368, Part S that added a transfer to state-municipal revenue sharing to the so-called cascade; and strikes the provisions of the bill that transfer funds from the Tax Relief Fund for Maine Residents and the Maine Budget Stabilization Fund. This amendment eliminates MaineCare reimbursement for methadone for the treatment of opiate addiction, chiropractic services, podiatry services and screening clinic services for sexually transmitted diseases. This amendment also eliminates state funding for municipal general assistance and reduces the reimbursement rate for critical access hospitals from 109% to 101%.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY: 

(Representative LOCKMAN)

TOWN: Amherst



126th MAINE LEGISLATURE

LD 1762

LR 2721(12)

An Act Related to the Report of the Tax Expenditure Review Task Force

Fiscal Note for House Amendment 'F' to Original Bill

Sponsor: Rep. Lockman of Amherst

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$0	\$4,945,964	(\$20,054,036)	(\$20,054,036)
Appropriations/Allocations				
General Fund	\$0	(\$20,054,036)	(\$20,054,036)	(\$20,054,036)
Federal Expenditures Fund	\$0	(\$12,592,531)	(\$12,592,531)	(\$12,592,531)
Transfers				
General Fund	\$0	(\$25,000,000)	\$0	\$0

Fiscal Detail and Notes

This amendment eliminates the transfers from the Tax Relief Fund and the Maine Budget Stabilization Fund from the bill, which increases the General Fund cost of the bill by \$25,000,000 in fiscal year 2014-15. The amendment also includes deappropriations that eliminate funding for a number of Department of Health and Human Services programs. The impact of these deappropriations on these and other department programs cannot be determined at this time.