

MAINE STATE LEGISLATURE

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L.D. 1523

Date: 4-6-22

(Filing No. H-945)

MAJORITY

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1127, L.D. 1523, "An Act To Establish the Trust for a Healthy Maine"

Amend the bill in section 1 in the first line (page 1, line 2 in L.D.) by striking out the following: "sub-§14-J" and inserting the following: 'sub-§14-K'

Amend the bill in section 1 in subsection 14-J in the first line (page 1, line 3 in L.D.) by striking out the following: "14-J." and inserting the following: '14-K.'

Amend the bill in section 4 in sub-c. 2 in §1514 in subsection 2 in the last line (page 2, line 2 in L.D.) by striking out the following: "14-J" and inserting the following: '14-K'

Amend the bill in section 4 in sub-c. 2 in §1514 in subsection 7 in the 2nd line (page 2, line 17 in L.D.) by inserting after the following: "funds" the following: 'and other funds in the trust'

Amend the bill in section 4 in sub-c. 2 in §1514 by inserting after subsection 7 the following:

'8. Extraordinary receipts. "Extraordinary receipts" means funds received by the trust pursuant to section 1516, subsection 1, paragraph B or C.'

Amend the bill in section 4 in sub-c. 2 in §1514 in subsection 9 in the 2nd line (page 2, line 23 in L.D.) by striking out the following: "prescription drug" and inserting the following: 'elderly low-cost drug'

Amend the bill in section 4 in sub-c. 2 in §1514 by renumbering the subsections to read consecutively.

Amend the bill in section 4 in sub-c. 2 in §1515 in subsection 3 in paragraph B by striking out all of subparagraph (2) (page 4, lines 1 and 2 in L.D.) and inserting the following:

'(2) A person who has experience recruiting, employing, developing and retaining a healthy workforce; and'

COMMITTEE AMENDMENT

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1 Amend the bill in section 4 in sub-c. 2 in §1515 in subsection 3 in paragraph C in the
2 first 2 lines (page 4, lines 7 and 8 in L.D.) by striking out the following: "trustees from
3 nominations made in accordance with this paragraph" and inserting the following: 'one
4 trustee from nominations made under each of the divisions described below'

5 Amend the bill in section 4 in sub-c. 2 in §1515 in subsection 3 in paragraph C in
6 subparagraph (1) in division (b) in the 2nd line (page 4, line 18 in L.D.) by striking out the
7 following: "care," and inserting the following: 'care or rural oral health care.'

8 Amend the bill in section 4 in sub-c. 2 in §1515 in subsection 6 in the 4th line (page 5,
9 line 29 in L.D.) by striking out the following: "chapter 13, subchapter 1. Notwithstanding
10 any provision of law" and inserting the following: 'section 403-B. Notwithstanding any
11 provision of that section'

12 Amend the bill in section 4 in sub-c. 2 in §1515 in subsection 11 in the 2nd line (page
13 6, line 2 in L.D.) by striking out the following: "14-J" and inserting the following: '14-K'

14 Amend the bill in section 4 in sub-c. 2 in §1517 by striking out all of subsection 3 (page
15 7, lines 19 to 27 in L.D.) and inserting the following:

16 **3. Funding disbursement plans. A funding disbursement plan approved by the board**
17 **may not disburse funds for the purpose of providing medical care except as provided in**
18 **subsection 7. When approving elements of the funding disbursement plans, the board shall**
19 **consider funding levels in the most recent fiscal year and disburse funding in amounts that**
20 **minimize disruption of existing programs and ensure smooth and efficient transitions to the**
21 **funding levels required under subsection 4.**

22 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph A in
23 subparagraph (1) in the first line (page 7, line 35 in L.D.) by striking out the following:
24 "Beginning in" and inserting the following: 'In'

25 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph B in the
26 2nd line (page 8, line 2 in L.D.) by striking out the following: "Department" and inserting
27 the following: 'Office'

28 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph B in
29 subparagraph (1) in the first line (page 8, line 3 in L.D.) by striking out the following:
30 "Beginning in fiscal year 2023-24, an amount equal to 0.005" and inserting the following:
31 'In fiscal year 2023-24, an amount equal to 0.006'

32 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph B in
33 subparagraph (2) in the 2nd line (page 8, line 6 in L.D.) by striking out the following:
34 "Department" and inserting the following: 'Office'

35 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph B in
36 subparagraph (2) in the last line (page 8, line 8 in L.D.) by inserting after the following:
37 "5402" the following: 'except that the date the State Tax Assessor determines the cost-of-
38 living adjustment is on or about September 15th of each year, beginning in 2024, and "cost-
39 of-living adjustment" means the Chained Consumer Price Index for the 12-month period
40 ending June 30th of the preceding calendar year divided by the Chained Consumer Price
41 Index for the 12-month period ending June 30, 2024. The State Tax Assessor shall calculate
42 the cost-of-living adjustment under this subparagraph'

1 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph C by
2 striking out all of subparagraph (1) (page 8, line 12 in L.D.) and inserting the following:

3 (1) In fiscal year 2023-24, an amount equal to 0.006 of the settlement funds; and'

4 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph C in
5 subparagraph (2) in the last line (page 8, line 15 in L.D.) by inserting after the following:
6 "5402" the following: 'except that the date the State Tax Assessor determines the cost-of-
7 living adjustment is on or about September 15th of each year, beginning in 2024, and "cost-
8 of-living adjustment" means the Chained Consumer Price Index for the 12-month period
9 ending June 30th of the preceding calendar year divided by the Chained Consumer Price
10 Index for the 12-month period ending June 30, 2024. The State Tax Assessor shall calculate
11 the cost-of-living adjustment under this subparagraph'

12 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph D in the
13 last line (page 8, line 17 in L.D.) by inserting after the following: "year" the following: ',
14 plus any extraordinary receipts.'

15 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in paragraph F in the
16 first line (page 8, line 20 in L.D.) by inserting after the following: "remaining" the
17 following: ', including any remaining extraordinary receipts.'

18 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 4 in the last blocked
19 paragraph in the first line (page 8, line 23 in L.D.) by striking out the following: "The" and
20 inserting the following: 'Except as provided in subsection 7 for the first funding
21 disbursement plan, the'

22 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 5 in paragraph A in
23 subparagraph (4) in the first line (page 9, line 5 in L.D.) by inserting after the following:
24 "Supporting the" the following: 'development.'

25 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 7 in the 7th line (page 9,
26 line 38 in L.D.) by inserting after the following: "needs." the following: 'If the biennial or
27 supplemental budget enacted for fiscal year 2022-23 appropriates less than \$2,400,000
28 from the General Fund to the elderly low-cost drug program established under section
29 254-D, the board shall disburse in its first funding disbursement plan an amount from the
30 internal flexible account to the elderly low-cost drug program established under section
31 254-D that when added to the General Fund appropriation to that program for that fiscal
32 year totals \$2,400,000. The internal flexible account may not otherwise be used to fund
33 medical care.'

34 Amend the bill in section 4 in sub-c. 2 in §1517 in subsection 9 in the 5th and 6th lines
35 (page 10, lines 7 and 8 in L.D.) by striking out the following: "from the trust's investments
36 pursuant to" and inserting the following: 'regarding the fund described in'

37 Amend the bill in section 4 in sub-c. 2 in §1519 in subsection 2 in the 5th line (page
38 10, line 43 in L.D.) by striking out the following: "sector," and inserting the following:
39 'sector or'

40 Amend the bill by inserting after section 6 the following:

41 **'Sec. 7. Transfer; Fund for a Healthy Maine; General Fund.** Notwithstanding
42 any provision of law to the contrary, the State Controller shall transfer \$36,604,210 from

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1 the Fund for a Healthy Maine to the General Fund unappropriated surplus no later than
 2 June 30, 2023.'

3 Amend the bill by inserting after section 7 the following:

4 '**Sec. 8. Appropriations and allocations.** The following appropriations and
 5 allocations are made.

6 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

7 **Head Start 0545**

8 Initiative: Provides an ongoing deallocation of Fund for a Healthy Maine funds from the
 9 Head Start program.

10	FUND FOR A HEALTHY MAINE	2021-22	2022-23
11	All Other	\$0	(\$1,354,580)
12			
13	FUND FOR A HEALTHY MAINE TOTAL	\$0	(\$1,354,580)

14 **Head Start 0545**

15 Initiative: Provides an ongoing appropriation to retain state funding for the Head Start
 16 program.

17	GENERAL FUND	2021-22	2022-23
18	All Other	\$0	\$1,354,580
19			
20	GENERAL FUND TOTAL	\$0	\$1,354,580

21 **Low-cost Drugs To Maine's Elderly 0202**

22 Initiative: Provides an ongoing deallocation of Fund for a Healthy Maine funds from the
 23 Low-cost Drugs To Maine's Elderly program.

24	FUND FOR A HEALTHY MAINE	2021-22	2022-23
25	All Other	\$0	(\$2,413,057)
26			
27	FUND FOR A HEALTHY MAINE TOTAL	\$0	(\$2,413,057)

28 **Low-cost Drugs To Maine's Elderly 0202**

29 Initiative: Provides an ongoing appropriation to retain state funding for the Low-cost Drugs
 30 To Maine's Elderly program.

31	GENERAL FUND	2021-22	2022-23
32	All Other	\$0	\$2,413,057
33			
34	GENERAL FUND TOTAL	\$0	\$2,413,057

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

36 Initiative: Provides an ongoing deallocation of Fund for a Healthy Maine funds from the
 37 Medical Care - Payments to Providers program.

38	FUND FOR A HEALTHY MAINE	2021-22	2022-23
39	All Other	\$0	(\$30,865,455)
40			

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1 FUND FOR A HEALTHY MAINE TOTAL \$0 (\$30,865,455)

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

3 Initiative: Provides an ongoing appropriation to retain state funding for the Medical Care -
4 Payments to Providers program.

5 **GENERAL FUND** 2021-22 2022-23
6 All Other \$0 \$30,865,455

7
8 GENERAL FUND TOTAL \$0 \$30,865,455

9 **Purchased Social Services 0228**

10 Initiative: Provides an ongoing deallocation of Fund for a Healthy Maine funds from the
11 Purchased Social Services program.

12 **FUND FOR A HEALTHY MAINE** 2021-22 2022-23
13 All Other \$0 (\$1,971,118)

14
15 FUND FOR A HEALTHY MAINE TOTAL \$0 (\$1,971,118)

16 **Purchased Social Services 0228**

17 Initiative: Provides an ongoing appropriation to retain state funding for the Purchased
18 Social Services program.

19 **GENERAL FUND** 2021-22 2022-23
20 All Other \$0 \$1,971,118

21
22 GENERAL FUND TOTAL \$0 \$1,971,118

23

24 **HEALTH AND HUMAN SERVICES,
25 DEPARTMENT OF**

26 **DEPARTMENT TOTALS** 2021-22 2022-23

27
28 **GENERAL FUND** \$0 \$36,604,210

29 **FUND FOR A HEALTHY MAINE** \$0 (\$36,604,210)

30
31 **DEPARTMENT TOTAL - ALL FUNDS** \$0 \$0

32

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

35 **SUMMARY**

36 This amendment:

- 37 1. Adds a definition of "extraordinary receipts";
38 2. Removes the requirement that one of the board members be an employer and
39 replaces it with a requirement that the member have experience recruiting, employing,
40 developing and retaining a healthy workforce;

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3. Adds experience in rural oral health care to the allowable background requirements for one of the board members;

4. Increases the amount of funds dedicated to the Office of the Attorney General in the first year of operation of the trust fund from 0.005 to 0.006 of settlement funds;

5. Increases the amount of funds dedicated to administration in the first year of operation of the trust fund from 0.003 to 0.006 of settlement funds;

6. Changes references to the Department of the Attorney General to the Office of the Attorney General;

7. Adds development of the public health workforce to the allowable uses of the funds in the health equity and health improvement account;

8. Adds language stating that if the Legislature enacts a biennial or supplemental budget for fiscal year 2022-23 in which it appropriates less than \$2,400,000 from the General Fund to the elderly low-cost drug program established under the Maine Revised Statutes, Title 22, section 254-D, the Trust for a Healthy Maine Board is required to disburse an amount from the internal flexible account to the elderly low-cost drug program that when added to the General Fund appropriation to that program for that fiscal year totals \$2,400,000; and

9. Deallocates funding for the Head Start, Low-cost Drugs To Maine's Elderly, Medical Care - Payments to Providers and Purchased Social Services programs within the Department of Health and Human Services from the Fund for a Healthy Maine and adds ongoing appropriations from the General Fund to maintain these programs.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1523

LR 1388(02)

An Act To Establish the Trust for a Healthy Maine

Fiscal Note for Bill as Amended by Committee Amendment *ACH 945*

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$0	\$36,604,210	\$36,604,210
Fund for a Healthy Maine	\$0	\$0	(\$50,774,084)	(\$50,796,179)
Appropriations/Allocations				
General Fund	\$0	\$36,604,210	\$36,604,210	\$36,604,210
Fund for a Healthy Maine	\$0	(\$36,604,210)	(\$50,774,084)	(\$50,796,179)
Transfers				
General Fund	\$0	\$36,604,210	\$0	\$0
Fund for a Healthy Maine	\$0	(\$36,604,210)	\$0	\$0

Fiscal Detail and Notes

This bill establishes the Trust for a Healthy Maine to receive money paid to the State pursuant to the tobacco settlement and from other sources to fund tobacco use prevention and control, ensure adequate resources for other disease prevention efforts, promote public health, plan and deliver public health and prevention programs and services, support accreditation of the Department of Health and Human Services, Maine Center for Disease Control and Prevention and support public health workforce development. The trust is governed by a 15-member board of trustees composed of the Director of the Maine Center for Disease Control and Prevention and 14 members appointed by the Governor.

The bill includes General Fund appropriations to the Department of Health and Human Services of \$36,604,210 beginning in fiscal year 2022-23 to continue funding services in multiple DHHS accounts that were previously funded through Fund for a Healthy Maine Funds. The bill also includes corresponding deallocations of \$36,604,210 beginning in fiscal year 2022-23. Finally, there is a transfer of \$36,604,210 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund by June 30, 2023.

The bill also requires the allocation of tobacco settlement payment funds to be determined by the Trust for a Healthy Maine board and this new allocation process could lead to funding decreases in some areas currently funded by the Fund for a Healthy Maine. The full impact of these changes cannot be determined at this time and will only become known when future decisions of the new board are made.

Any additional costs to the Department of Administrative and Financial Services can be absorbed within existing budgeted resources available to manage the current program. The Department of the Attorney General would receive an allocation percentage of Fund for a Healthy Maine funds beginning in fiscal year 2023-24. The impact on the department will depend on future settlement payments and could affect the department's ability to adequately enforce escrow statute in future years.