

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2000

EDUCATION, DEPARTMENT OF

Learning Systems

Personal Services	4,000
All Other	160
TOTAL	4,160

Provides for the allocation of funds to meet a payroll shortfall resulting from a lack of attrition and unbudgeted salary and benefit increases in a 2-person account.

DEPARTMENT OF EDUCATION TOTAL

4,160

HUMAN SERVICES, DEPARTMENT OF

Community Services Block Grant

All Other	844,843
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Provides for the allocation of federal Community Services Block Grant funds carried forward from state fiscal year 1998-99 of \$697,526 and from a grant award increase of \$147,317 received in March 2000. The funds will be contracted out in fiscal year 1999-00.

Child Care Development Block Grant

All Other	1,717,066
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Provides for the allocation of federal Child Care Development Block Grant funds carried forward from state fiscal year 1998-99 of \$482,591 and from a grant award of \$651,034 for matching increase, and \$583,441 for discretionary funds received in March 2000. The funds will be contracted out in fiscal year 1999-00.

DEPARTMENT OF HUMAN SERVICES TOTAL

2,561,909

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF

Mental Health Services - Children

All Other	117,221
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Provides for the allocation of funds due to an increase in the Community Mental Health Block Grant program.

Mental Health Services - Community

All Other	117,221
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Provides for the allocation of funds due to an increase in the Community Mental Health Block Grant program.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES TOTAL

234,442

SECTION TOTAL ALLOCATIONS

3,800,511

See title page for effective date, unless otherwise indicated.

CHAPTER 732

H.P. 1953 - L.D. 2692

An Act to Make Emergency Appropriations or Allocations in Fiscal Year 1999-00 only for the Emergency Items

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and

institutions will become due and payable prior to June 30, 2000; and

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

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

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 2000 to the departments listed the following sums.

1999-00

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Retirement - Federal Recovery

All Other \$2,740,577

Provides for the appropriation of funds in final settlement of the claim of the Federal Government for overpayment of retirement contributions.

Salary Plan

Personal Services 1,718,543

Provides for the appropriation of funds for the increased General Fund cost of health insurance.

Salary Plan

Personal Services (1,998,003)

Provides for the deappropriation of funds from balances in the Salary Plan at the end of fiscal year 1998-99 that exceed the requirements for collective bargaining costs in fiscal year 1999-00 and fiscal year 2000-01.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL

2,461,117

CONSERVATION, DEPARTMENT OF

Administrative Services - Conservation

Personal Services 3,357
All Other (3,357)

TOTAL 0

Provides for the appropriation of funds for the reclassification of a department Information Systems Manager position to an agency Technology Officer position.

Forest Fire Control - Division of

Personal Services (441,747)
All Other 441,747

TOTAL 0

Provides for the appropriation of funds through a one-time transfer for necessary repairs to the department's helicopters.

DEPARTMENT OF CONSERVATION TOTAL

0

CORRECTIONS, DEPARTMENT OF

Adult Community Corrections

All Other 1,334

Provides for the appropriation of funds to cover the increase in the medical contract.

Bangor Pre-Release Center

All Other 14,927

Provides for the appropriation of funds for increased cost of the medical contract.

Central Maine Pre-Release Center

<p>All Other</p> <p>Provides the appropriation of funds for continuance of a comprehensive medical service at Central Maine Pre-Release Center.</p>	<p>19,150</p>	<p>Hazard Specialist position, one Staff Development Specialist IV position, one Engineer Technician IV position, one Planning and Research Assistant position and one Clerk Typist III position and operational funds due to a Federal Emergency Management Agency funding change to 50% federal and 50% state, effective January 1, 2000, and provides an additional match to meet federal program requirements.</p>	
<p>Charleston Correctional Facility</p>			
<p>All Other</p> <p>Provides for the appropriation of funds for increased costs of the medical contract.</p>	<p>52,757</p>		
<p>Correctional Center</p>			
<p>All Other</p> <p>Provides for the appropriation of funds for continuance of a comprehensive medical service at the Maine Correctional Center.</p>	<p>84,088</p>		
<p>State Prison</p>			
<p>All Other</p> <p>Provides for the appropriation of funds for the increased cost of the medical contract.</p>	<p>112,718</p>		
<p>DEPARTMENT OF CORRECTIONS TOTAL</p>		<p>284,974</p>	
<p>DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF Administration - Maine Emergency Management Agency</p>			
<p>Positions - Legislative Count</p> <p>Personal Services</p> <p>All Other</p> <p>Provides for the appropriation of funds to permit the transfer of the following 10 positions from the Federal Maine Emergency Management Agency account: 3 Planning and Research I positions, one Planning and Research Associate II position, one Radiological Maintenance Officer position, one Technical</p>	<p>(10,000)</p> <p>105,438</p> <p>37,956</p>		
<p>DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT TOTAL</p>			<p>143,394</p>
<p>EDUCATION, DEPARTMENT OF Governor Baxter School for the Deaf</p>			
		<p>Personal Services</p> <p>All Other</p> <p>TOTAL</p> <p>Provides for the appropriation of funds through a one-time transfer for operational needs of the school.</p> <p>Retired Teachers' Health Insurance</p> <p>All Other</p> <p>Provides for the appropriation of funds for the projected shortfall in the Retired Teachers' Health Insurance program for fiscal year 1999-00.</p> <p>Support Systems</p> <p>Personal Services</p> <p>All Other</p> <p>TOTAL</p> <p>Provides for the appropriation of funds for the reorganization</p>	<p>(224,000)</p> <p>224,000</p> <p>0</p> <p>164,862</p> <p>19,375</p> <p>(19,375)</p> <p>0</p>

of an Engineering Technician
V position to an Education
Team Coordinator position.

**DEPARTMENT OF
EDUCATION**
TOTAL 164,862

**ENVIRONMENTAL
PROTECTION, DEPARTMENT
OF**

Land and Water Quality

Personal Services (37,684)
All Other (12,000)

TOTAL (49,684)

Provides for the
deappropriation of funds to
reflect the 4th quarter
requirements for a position
authorized in Private and
Special Law 1999, chapter 61.

**DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**
TOTAL (49,684)

**HUMAN SERVICES,
DEPARTMENT OF**

**Medical Care - Payments to
Providers**

All Other 29,915,129

Provides for the appropriation
of funds to cover an anticipated
Medicaid budget shortfall that
has resulted because actual
fiscal year 1999-00 spending
projections significantly
exceed those used for the
2000-2001 biennial budget.

**Medical Care - Payments to
Providers**

All Other (132,659)

Provides for the
deappropriation of funds to
cover the fiscal year 1997-98
hospital tax for the Augusta
Mental Health Institute and the

Bangor Mental Health
Institute.

**DEPARTMENT OF HUMAN
SERVICES**
TOTAL 29,782,470

JUDICIAL DEPARTMENT

**Courts - Supreme, Superior,
District and Administrative**

All Other 600,000

Provides for the appropriation
of funds to cover costs for
increased activity in indigent
defense legal services.

JUDICIAL DEPARTMENT
TOTAL 600,000

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Personal Services (350,000)
All Other 350,000

Provides for the transfer of
funds to meet current fiscal
year 1999-00 obligations.

LEGISLATURE
TOTAL 0

**MENTAL HEALTH, MENTAL
RETARDATION AND
SUBSTANCE ABUSE
SERVICES, DEPARTMENT OF**

**Disproportionate Share – Augusta
Mental Health Institute**

Personal Services 100,000
All Other 75,000

TOTAL 175,000

Provides for the appropriation
of funds through a transfer
from Personal Services salary
savings from the Mental Health
Services - Community program
to cover unbudgeted overtime
and to fund necessary health
and safety needs such as an
electrical infrastructure
upgrade and air quality and
sprinkler system.

**Disproportionate Share - Augusta
Mental Health Institute**

All Other 90,743
Provides for the appropriation of funds to provide state matching funds to pay for the final gross patient services revenue limit for fiscal year 1997-98.

**Disproportionate Share - Bangor
Mental Health Institute**

All Other 41,916
Provides for the appropriation of funds to provide state matching funds to pay for the final gross patient services revenue limit for fiscal year 1997-98.

**Disproportionate Share - Augusta
Mental Health Institute**

Personal Services 39,938
All Other 207,942

TOTAL 247,880

Provides for the appropriation of state matching funds in order to meet requirements of the Augusta Mental Health Institute Consent Decree.

**Mental Health Services –
Community Medicaid**

All Other 719,662
Provides for the appropriation of state matching funds for increased utilization of Medicaid eligible mental health services.

**Mental Health Services –
Community Medicaid**

All Other 192,428
Provides for the appropriation of state matching funds in order to meet requirements of the Augusta Mental Health Institute Consent Decree.

**Mental Health Services -
Community**

All Other 30,000
Provides for the appropriation of funds for housing for adults with mental illness in Region III.

Freeport Towne Square

Personal Services 100,000
Provides for the appropriation of funds for unbudgeted overtime through the transfer of Personal Services salary savings from the Mental Health Services - Children program.

Mental Health Services - Children

Personal Services (100,000)
Provides for the deappropriation of funds from salary savings to cover a Personal Services shortfall in the Freeport Towne Square program.

**Mental Health Services -
Community**

Personal Services (175,000)
Provides for the deappropriation of funds from salary savings to cover a Personal Services shortfall in the Disproportionate Share - Augusta Mental Health Institute program.

**DEPARTMENT OF MENTAL
HEALTH, MENTAL
RETARDATION AND
SUBSTANCE ABUSE
SERVICES
TOTAL**

1,322,629

**PUBLIC SAFETY,
DEPARTMENT OF
State Police**

Personal Services 118,196

Provides for the appropriation of the 40% General Fund share of funds for the approved reclassification and range changes for 47 Police Communication Operator positions and 6 Police Communications Operator Supervisor positions, as authorized by the Bureau of Human Resources.

DEPARTMENT OF PUBLIC SAFETY
TOTAL _____
 118,196

SECTION
TOTAL APPROPRIATIONS _____
 34,827,958

Sec. A-2. Allocation. The following funds are allocated from the Federal Expenditures Fund for the fiscal year ending June 30, 2000 to carry out the purposes of this Part.

1999-00

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

**Administration - Maine
 Emergency Management Agency**

Positions - Legislative Count (-10,000)
 Personal Services (103,113)

Provides for the deallocation of funds from the transfer of 3 Planning and Research Associate I positions, one Planning and Research Associate II position, one Radiological Maintenance Officer position, one Technical Hazard Specialist position, one Staff Development Specialist IV position, one Engineer Technician IV position, one Planning and Research Assistant position and one Clerk Typist III position and operational costs due to the Federal Emergency Management Agency funding change to 50% federal and 50% state.

DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT
TOTAL _____
 (103,113)

HUMAN SERVICES, DEPARTMENT OF

Medical Care – Payments to Providers

All Other 58,748,561

Provides for the allocation of federal matching funds to cover an anticipated Medicaid shortfall that has resulted because actual and projected fiscal year 1999-00 spending significantly exceeds that used for the fiscal year 2000-2001 biennial budget.

DEPARTMENT OF HUMAN SERVICES
TOTAL _____
 58,748,561

SECTION
TOTAL ALLOCATIONS _____
 58,645,448

Sec. A-3. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 2000 to carry out the purposes of this Part.

1999-00

HUMAN SERVICES, DEPARTMENT OF

Bureau of Medical Services

All Other 2,761,000

Provides for the allocation of funds to cover an anticipated shortfall in the Medicaid Administration account.

Medical Care - Payment to Providers

All Other 132,659

Provides funds generated by the fiscal year 1997-98 hospital tax for the AMHI and BMHI to offset a General Fund appropriation.

DEPARTMENT OF HUMAN SERVICES
TOTAL 2,893,659

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF
Augusta Mental Health Institute

All Other 147,000

Provides for the allocation of funds for necessary health and safety needs, such as an electrical infrastructure upgrade and air quality and sprinkler system.

Augusta Mental Health Institute
All Other 135,301

Provides for the allocation of funds to pay the final gross patient services revenue limit for fiscal year 1997-98.

Bangor Mental Health Institute
All Other 69,254

Provides for the allocation of funds to pay the final gross patient services revenue limit for fiscal year 1997-98.

Augusta Mental Health Institute
Positions - Legislative Count (13,000)
Personal Services 78,432
All Other 408,365

TOTAL 486,797

Provides for the allocation of funds to continue 8 Nurse II positions and 5 Mental Health Worker I positions created by Financial Order 03352FO in order to meet requirements of the Augusta Mental Health Consent Decree.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES
TOTAL 838,352

SECTION
TOTAL ALLOCATIONS 3,732,011

Sec. A-4. Allocation. The following funds are allocated from the Alcoholic Beverage Fund for the fiscal year ending June 30, 2000 to carry out the purposes of this Part.

1999-00

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Alcoholic Beverages – General Operation

All Other 207,000

Provides for the allocation of funds to complete the buyout of the former Kittery Liquor Store lease. This request was discussed with the Joint Standing Committee on Appropriations and Financial Affairs in November 1999.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
TOTAL 207,000

SECTION
TOTAL ALLOCATIONS \$207,000

PART B

Sec. B-1. Appropriations. There are appropriated from the General Fund for the fiscal year ending June 30, 2000 to the departments listed, the sums identified in the following in order to provide funding for approved reclassifications and range changes.

1999-00

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Administration - Human Resources		Personal Services	9,704
Personal Services	\$6,372	Office of Tourism	
Buildings and Grounds Operations		Personal Services	7,730
Personal Services	8,043	Maine State Film Commission	
Financial and Personnel Services - Division of		Personal Services	4,698
Personal Services	5,094	DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT	
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		TOTAL	<hr/> 27,132
TOTAL	<hr/> 19,509	EDUCATION, DEPARTMENT OF	
ATLANTIC SALMON COMMISSION		Leadership	
Atlantic Salmon Commission		Personal Services	8,776
Personal Services	2,658	Learning Systems	
ATLANTIC SALMON COMMISSION		Personal Services	7,984
TOTAL	<hr/> 2,658	Management Information Systems	
CONSERVATION, DEPARTMENT OF		Personal Services	2,063
Forest Health and Monitoring		Support Systems	
Personal Services	11,403	Personal Services	5,517
Forest Policy and Management - Division of		DEPARTMENT OF EDUCATION	
Personal Services	2,479	TOTAL	<hr/> 24,340
Parks - General Operations		ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
Personal Services	8,424	Administration -Environmental Protection	
DEPARTMENT OF CONSERVATION		Personal Services	8,833
TOTAL	<hr/> 22,306	Land and Water Quality	
ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF		Personal Services	7,509
Administration - Economic and Community Development		DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Personal Services	5,000	TOTAL	<hr/> 16,342
Business Development		HUMAN SERVICES, DEPARTMENT OF	
		Bureau of Child and Family Services - Central	
		Personal Services	4,200

OMB Operations - Regional

Personal Services 2,300

DEPARTMENT OF HUMAN SERVICES

TOTAL 6,500

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Office of the Commissioner - Inland Fisheries and Wildlife

Personal Services 1,632

Public Information and Education - Division of

Personal Services 6,110

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

TOTAL 7,742

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF

Mental Health Services - Community

Personal Services 2,780

Office of Substance Abuse

Personal Services 2,692

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

TOTAL 5,472

MUSEUM, MAINE STATE

Maine State Museum

Personal Services 13,992

MAINE STATE MUSEUM

TOTAL 13,992

PUBLIC SAFETY, DEPARTMENT OF

Liquor Enforcement

Personal Services 2,450

State Police

Personal Services 8,664

DEPARTMENT OF PUBLIC SAFETY

TOTAL 11,114

SECTION

TOTAL APPROPRIATIONS \$157,107

Sec. B-2. Allocations. There are allocated from the Federal Expenditures Fund for the fiscal year ending June 30, 2000 to the departments listed, the sums identified in the following in order to provide funding for approved reclassifications and range changes.

1999-00

ATLANTIC SALMON COMMISSION

Atlantic Salmon Commission

Personal Services \$3,307

ATLANTIC SALMON COMMISSION

TOTAL 3,307

CONSERVATION, DEPARTMENT OF

Forest Health and Monitoring

Personal Services 3,177

Forest Policy and Management - Division of

Personal Services 7,035

DEPARTMENT OF CONSERVATION

TOTAL 10,212

EDUCATION, DEPARTMENT OF

Learning Systems

Personal Services 7,849

Learning Systems

Personal Services 3,588

DEPARTMENT OF EDUCATION

TOTAL 11,437

ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
Administration – Environmental Protection	
Personal Services	1,032
Land and Water Quality	
Personal Services	1,855
Performance Partnership Grant	
Personal Services	9,286
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
TOTAL	<u>12,173</u>
EXECUTIVE DEPARTMENT	
Planning Office	
Personal Services	3,602
EXECUTIVE DEPARTMENT	
TOTAL	<u>3,602</u>
HUMAN SERVICES, DEPARTMENT OF	
Bureau of Family Independence - Central	
Personal Services	2,975
Health - Bureau of	
Personal Services	18,875
Bureau of Medical Services	
Personal Services	79,880
OMB Operations - Regional	
Personal Services	1,150
DEPARTMENT OF HUMAN SERVICES	
TOTAL	<u>102,880</u>
MARINE RESOURCES, DEPARTMENT OF	
Bureau of Resource Management	
Personal Services	1,950

DEPARTMENT OF MARINE RESOURCES	
TOTAL	<u>1,950</u>
SECTION	
TOTAL ALLOCATIONS	<u>\$145,561</u>
Sec. B-3. Allocations.	There are allocated from Other Special Revenue funds for the fiscal year ending June 30, 2000 to the departments listed, the sums identified in the following in order to provide funding for approved reclassifications and range changes.
	1999-00
BAXTER STATE PARK AUTHORITY	
Baxter State Park Authority	
Personal Services	\$10,251
BAXTER STATE PARK AUTHORITY	
TOTAL	<u>10,251</u>
CONSERVATION, DEPARTMENT OF	
Boating Facilities Fund	
Personal Services	12,690
Off-road Recreational Vehicles Program	
Personal Services	5,344
DEPARTMENT OF CONSERVATION	
TOTAL	<u>18,034</u>
CORRECTIONS, DEPARTMENT OF	
Vocational Training and Industries Program	
Personal Services	2,460
DEPARTMENT OF CORRECTIONS	
TOTAL	<u>2,460</u>
ENVIRONMENTAL PROTECTION, DEPARTMENT OF	
Administration – Environmental Protection	

Personal Services	1,226	Division of Administrative Services	
Maine Environmental Protection Fund		Personal Services	725
Personal Services	10,534	Marine Patrol - Bureau of	
Municipal Sewerage Construction		Personal Services	1,536
Personal Services	1,760	Bureau of Resource Management	
Remediation and Waste Management		Personal Services	1,504
Personal Services	12,278	DEPARTMENT OF MARINE RESOURCES	
Remediation and Waste Management		TOTAL	<hr/> 7,312
Personal Services	3,766	PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF	
Remediation and Waste Management		Banking - Bureau of	
Personal Services	3,105	Personal Services	4,875
Solid Waste Management		Engineers - Board of Registration for Professional	
Personal Services	4,292	Personal Services	4,100
DEPARTMENT OF ENVIRONMENTAL PROTECTION		Bureau of Insurance	
TOTAL	<hr/> 36,961	Personal Services	1,300
HUMAN SERVICES, DEPARTMENT OF		Licensure in Medicine - Board of	
Drinking Water Enforcement		Personal Services	8,200
Personal Services	20,425	Nursing - Board of	
DEPARTMENT OF HUMAN SERVICES		Personal Services	3,150
TOTAL	<hr/> 20,425	DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION	
LABOR, DEPARTMENT OF		TOTAL	<hr/> 21,625
Safety Education and Training Programs		PUBLIC SAFETY, DEPARTMENT OF	
Personal Services	7,517	Criminal Justice Academy	
DEPARTMENT OF LABOR		Personal Services	1,270
TOTAL	<hr/> 7,517	Emergency Services Communication Bureau	
MARINE RESOURCES, DEPARTMENT OF		Personal Services	9,669
Division of Administrative Services		Fire Marshal - Office of	
Personal Services	3,547	Personal Services	12,435

DEPARTMENT OF PUBLIC SAFETY
TOTAL

23,374

SECTION
TOTAL ALLOCATIONS

\$147,959

Sec. B-4. Allocations. There are allocated from the Federal Block Grant Fund for the fiscal year ending June 30, 2000 to the department listed, the sums identified in the following in order to provide funding for approved reclassifications and range changes.

1999-00

HUMAN SERVICES, DEPARTMENT OF

Dental Disease Prevention

Personal Services \$2,030
All Other (2,030)

Special Children's Services

Personal Services 3,300
All Other (3,300)

DEPARTMENT OF HUMAN SERVICES
TOTAL

0

SECTION
TOTAL ALLOCATIONS

\$0

Sec. B-5. Allocations. There are allocated from the Internal Service fund for the fiscal year ending June 30, 2000 to the department listed, the sums identified in the following in order to provide funding for approved reclassifications and range changes.

1999-00

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Central Motor Pool

Personal Services \$1,334

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
TOTAL

1,334

SECTION
TOTAL ALLOCATIONS

\$1,334

PART C

Sec. C-1. Appropriations. There are appropriated from the General Fund for the fiscal year ending June 30, 2000 to the departments listed, the sums identified in the following in order to provide funding for approved reclassifications and range changes.

1999-00

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Buildings and Grounds Operations

All Other (\$19,509)

Provides funds for approved reclassifications and range changes in this program, the Administration - Human Resources Program and the Financial and Personnel Services - Division of program.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
TOTAL

(19,509)

ATLANTIC SALMON COMMISSION

Atlantic Salmon Commission

All Other (2,658)

Provides funds for an approved range change.

ATLANTIC SALMON COMMISSION
TOTAL

(2,658)

CONSERVATION, DEPARTMENT OF

Forest Health and Monitoring

All Other (11,403)

Provides funds for approved reclassifications.

Forest Policy and Management - Division of

All Other (2,479)

Provides funds for an approved bargaining unit change.		Provides funds for an approved reclassification.	
Parks - General Operations		Regional Services	
Capital Expenditures	(8,424)	Personal Services	(8,776)
Provides funds for approved reclassifications and range changes.		Provides funds for an approved reclassification in the Leadership program.	
DEPARTMENT OF CONSERVATION TOTAL	<hr/> (22,306)	Support Systems	
ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF Administration - Economic and Community Development		All Other	(5,517)
Personal Services	(17,434)	Provides funds for an approved reclassification.	
Capital Expenditures	(5,000)	DEPARTMENT OF EDUCATION TOTAL	<hr/> (24,340)
Provides funds for an approved reclassification and range changes in this program, the Office of Tourism program and the Business Development program.		ENVIRONMENTAL PROTECTION, DEPARTMENT OF Administration - Environmental Protection	
Office of Tourism		All Other	(8,833)
All Other	(4,698)	Provides funds for an approved range change.	
Provides funds to offset appropriations in Part B, section 1.		Land and Water Quality	
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL	<hr/> (27,132)	All Other	(7,509)
EDUCATION, DEPARTMENT OF Learning Systems		Provides funds for an approved reclassification.	
All Other	(7,984)	DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL	<hr/> (16,342)
Provides funds for an approved reclassification.		HUMAN SERVICES, DEPARTMENT OF Bureau of Child and Family Services - Central	
Management Information Systems		All Other	(4,200)
All Other	(2,063)	Provides funds for an approved reclassification.	
		OMB Operations - Regional	
		All Other	(2,300)
		Provides funds for approved reclassifications.	

DEPARTMENT OF HUMAN SERVICES	
TOTAL	(6,500)
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF	
Office of the Commissioner – Inland Fisheries and Wildlife	
All Other	(1,632)
Provides funds for an approved reclassification.	
Public Information and Education - Division of	
All Other	(6,110)
Provides funds for approved reclassifications.	
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE	
TOTAL	(7,742)
MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF	
Mental Health Services - Community	
All Other	(2,780)
Provides funds for an approved reclassification.	
Office of Substance Abuse	
All Other	(2,692)
Provides funds for an approved reclassification.	
DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES	
TOTAL	(5,472)
MUSEUM, MAINE STATE	
Maine State Museum	
All Other	(13,992)

Provides funds for approved reclassifications.	
MAINE STATE MUSEUM	
TOTAL	(13,992)
PUBLIC SAFETY, DEPARTMENT OF	
Liquor Enforcement	
All Other	(2,450)
Provides funds for an approved reclassification.	
State Police	
All Other	(8,664)
Provides funds for approved reclassifications.	
DEPARTMENT OF PUBLIC SAFETY	
TOTAL	(11,114)
SECTION	
TOTAL APPROPRIATIONS	(\$157,107)

PART D

Sec. D-1. Legislative intent. It is the intent of the Legislature that any unallocated funds in the Disaster Assistance - MEMA General Fund account within the Department of Defense, Veterans and Emergency Management may be used as the State's matching share of payments for claims associated with Hurricane Floyd and for any other federally approved disasters in Maine. The funds may be allotted by financial order in the All Other line category upon recommendation of the State Budget Officer and approval of the Governor.

PART E

Sec. E-1. Position authorization. Notwithstanding any other provision of law, the Department of Education, Governor Baxter School for the Deaf is authorized to extend one limited-period Program Director of the Deaf position from the previously authorized end date of April 15, 2000 to June 30, 2001. This position is necessary for the continued development and implementation of Residential Services, Health Services and a Guidance Program at Governor Baxter School for the Deaf. This position must be funded from the Governor Baxter School for the Deaf budget and must end on June 30, 2001.

PART F

Sec. F-1. Implementation of modified accrual; corporate income tax, cigarette and tobacco tax, estate tax and real estate transfer tax. Notwithstanding the Maine Revised Statutes, Title 5, chapter 151-B, the Commissioner of Administrative and Financial Services shall recognize additional revenue in the General Fund as a result of administratively implementing the modified accrual method of accounting for revenue for the corporate income tax, the cigarette and tobacco tax, the estate tax and the real estate transfer tax.

Sec. F-2. Recognition of Estate Tax Suspense account as General Fund revenue. Notwithstanding the Maine Revised Statutes, Title 5, chapter 151-B, the Commissioner of Administrative and Financial Services shall implement the recognition of payments deposited into the Estate Tax Suspense account as General Fund revenue as the deposits are made beginning in fiscal year 2000-01. In order to facilitate this change, the balance of the Estate Tax Suspense account at the end of fiscal year 1999-00 must be recognized as General Fund revenue at the end of fiscal year 1999-00. It is estimated that this will generate additional General Fund revenue of \$4,000,000 in fiscal year 1999-00.

PART G

Sec. G-1. Telecommunications Personal Property Tax Reserve. On or before June 30, 2000, the State Controller shall transfer \$14,662,083 from the Telecommunications Personal Property Tax Reserve of the General Fund to the unappropriated surplus of the General Fund. This transfer must be made available to offset the fiscal impact of applying the estimated prepayment of the telecommunications property tax made for the 2000 tax year to the 1999 gross tax assessment due August 15, 1999.

PART H

Sec. H-1. 36 MRSA §457, sub-§5-A, as amended by PL 1991, c. 846, §7, is repealed.

Sec. H-2. 36 MRSA §457, sub-§5-B is enacted to read:

5-B. Procedure. The tax on telecommunications personal property of a telecommunications business must be assessed and paid in accordance with this subsection.

A. The State Tax Assessor shall make the assessment by May 30th of each year.

B. For the 1999 tax year, a payment must be made no later than August 15, 1999 equal to the

amount by which the 1999 gross tax assessment exceeds the estimated tax paid for that tax year.

C. For tax years subsequent to 1999, the tax assessment must be paid no later than the August 15th following the date of assessment.

D. The estimated prepayment made for the 2000 tax year must be applied to the 1999 gross tax assessment that must be made by August 15, 1999.

Sec. H-3. Retroactivity. Those sections of this Part that repeal the Maine Revised Statutes, Title 36, section 457, subsection 5-A and that enact section 457, subsection 5-B apply retroactively to tax payments due on August 15, 1999.

PART I

Sec. I-1. Transfer of hospital assessment reserve. On or before June 30, 2000, the State Controller shall lapse \$719,935 from Other Special Revenue funds within the Department of Administrative and Financial Services, Bureau of Revenue Services to the General Fund. This amount equals the reserve for the hospital assessment repealed June 30, 1998.

Sec. I-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1999-00

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of Revenue Services

Personal Services (\$130,065)

Deappropriates funds no longer required to partially offset an appropriation to the Maine Residents Property Tax Program.

Maine Residents Property Tax Program

All Other \$850,000

Provides funds to pay for the additional claims received by the Bureau of Revenue Services as a result of a public service announcement campaign.

**DEPARTMENT OF
ADMINISTRATIVE AND
FINANCIAL SERVICES
TOTAL**

\$719,935

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

Effective April 25, 2000.

CHAPTER 733

H.P. 940 - L.D. 1337

An Act Regarding Taxation of Low-energy Fuels

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

Sec. 1. 36 MRSA §3202, sub-§5-B is enacted to read:

5-B. Retailer. "Retailer" means any person purchasing low-energy fuel principally for resale directly into the fuel tank of a motor vehicle.

Sec. 2. 36 MRSA §3202, sub-§7, as enacted by PL 1983, c. 94, Pt. D, §6, is amended to read:

7. Supplier. "Supplier" means any person importing distillates into the State, exporting distillates from the State or producing, refining, manufacturing or compounding distillates within the State or purchasing distillates within the State, principally for resale to others in bulk, ~~special fuel~~.

Sec. 3. 36 MRSA §3202, sub-§§7-A and 10, as enacted by PL 1997, c. 738, §9, are amended to read:

7-A. Terminal. "Terminal" means a storage and distribution facility for ~~special fuel~~ distillates supplied by a pipeline or marine vessel, or both, that has been registered as a qualified terminal by the Internal Revenue Service.

10. Wholesaler. "Wholesaler" means a person that owns, operates or otherwise controls a terminal or a person that holds ~~the special fuel~~ a distillate inventory position in a terminal when that person has a contract with the terminal operator for the use of storage facilities and terminal services for fuel at the terminal.

Sec. 4. 36 MRSA §3203, sub-§1, as amended by PL 1999, c. 473, Pt. B, §3 and affected by §5, is further amended to read:

1. Generally. Except as provided in section 3204-A, an excise tax is levied and imposed on all suppliers of special fuel sold and on all users of special fuel used in this State for each gallon of distillate at the rate of 23¢ per gallon and for each gallon of low-energy fuel ~~at the rate of 21¢ per gallon~~ based on the British Thermal Unit, referred to in this subsection as "BTU," energy content for each fuel as compared to gasoline. These values are as follows.

<u>Fuel type</u>	<u>BTU content per gallon</u>	<u>Formula (BTU value fuel/ BTU value gasoline) x tax rate gasoline</u>	<u>Tax rate</u>
Gasoline	115,000	$\frac{100\%}{22¢} \times$	<u>22¢ per gallon as authorized in section 2903</u>
Methanol (M85)	65,530	$57\% \times 22¢$	<u>12.5¢ per gallon</u>
Ethanol (E85)	81,850	$71\% \times 22¢$	<u>15.6¢ per gallon</u>
Propane	84,500	$73\% \times 22¢$	<u>16¢ per gallon</u>
Compressed Natural Gas	100,000 (BTU per 100 standard cubic feet)	$87\% \times 22¢$	<u>19.1¢ per 100 standard cubic feet</u>

Sec. 5. 36 MRSA §3203, sub-§§2 and 3, as enacted by PL 1997, c. 738, §10, are amended to read:

2. Legal incidence of tax. Special fuel may be taxed only once under this section. The tax imposed by this section is declared to be a levy and assessment on the ultimate consumer and other persons levied and assessed pursuant to this chapter are agents of the State for the collection of the tax. ~~The supplier is and retailer are primarily responsible for paying the tax except when the fuel is sold and delivered to a licensed exporter wholly for exportation from the State or to another supplier in the State, in which case the purchasing supplier is primarily responsible for paying the tax.~~ When a supplier sells and delivers to a licensed exporter wholly for exportation from the State or to another supplier in the State, the purchasing supplier is primarily responsible for paying the tax.