

# MAINE STATE LEGISLATURE

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CHAIR

SEN. JUSTIN L. ALFOND  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER



SEN. SETH A. GOODALL  
SEN. MICHAEL D. THIBODEAU  
SEN. TROY D. JACKSON  
SEN. ROGER J. KATZ  
REP. SETH A. BERRY  
REP. KENNETH W. FREDETTE  
REP. JEFFREY M. MCCABE  
REP. ALEXANDER R. WILLETTE

126<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**126<sup>th</sup> Legislature  
Legislative Council**

**Wednesday, June 26, 2013  
1:00 PM**

**REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MAY 23, 2013 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
❖ 8	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
	• Executive Director's Report (Mr. Boulter)	Information
9	• Fiscal Report (Mr. Pennoyer)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee (no report)	
	• State House Facilities Committee (no report)	
	OLD BUSINESS	
13	Item #1: Council Actions Taken By Ballot (No Action Required)	Information

## **NEW BUSINESS**

- |      |          |   |                       |
|------|----------|---|-----------------------|
| ❖ 14 | Item #1: | Consideration of After Deadline Bill Requests         | <b>Roll Call Vote</b> |
| ❖ 16 | Item #2: | Consideration of Legislative Study Requests           |                       |
| ❖ 18 |          | • Suggested Protocol for Considering Proposed Studies | <b>Decision</b>       |
| ❖ 24 |          | • Consideration of Proposed Legislative Studies       | <b>Roll Call Vote</b> |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

REP. MARK W. EVES  
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126<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
May 23, 2013**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the May 23, 2013 Legislative Council meeting to order at 2:16 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Alfond, Senator Goodall, Senator Jackson, and Senator Katz

Absent: Senator Thibodeau (arrived after the start of the meeting)

Representatives: Speaker Eves, Representative Berry, Representative McCabe,  
Representative Fredette and Representative Willette

Legislative Officers: Darek Grant, Secretary of the Senate  
Millicent MacFarland, Clerk of the House  
Robert Hunt, Assistant Clerk of the House  
David E. Boulter, Executive Director of the Legislative Council  
Dawna Lopatosky, Legislative Finance Director  
Debra Olken, Human Resources Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Scott Clark, Director, Legislative Information Technology

Speaker Eves convened the meeting at 2:16 p.m. with a quorum of members present.

## SUMMARIES OF APRIL 29, 2013 AND MAY 9, 2013 MEETINGS OF LEGISLATIVE COUNCIL

**Motion:** That the Meeting Summaries for April 29, 2013 and May 9, 2013 be accepted and placed on file. Motion by Representative Berry. Second by Representative Fredette. **Motion passed unanimous (9-0-0-1, with Senator Thibodeau absent).**

### REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

#### Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. Emergency Aid to the City of Lewiston

Lewiston City Administrator Ed Barrett expressed his appreciation to the Legislative Council for its contribution of funds that will be used to support the City of Lewiston's efforts to provide emergency aid to the people displaced by the recent fires. In accordance with the Council's request, the city will report back on the distribution and effectiveness of the funds provided.

2. Library Article – Maine Policy Review

The Winter/Spring 2013 edition of the *Maine Policy Review* is a special issue on "Libraries & Information." The edition includes an article about the Legislature's Law and Legislative Reference Library written by Director John Barden.

3. Olympia Snowe Day at the Legislature

No date this session has been established yet but discussions continue with representatives of Senator Snowe.

#### Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

##### Revenue Update

**Total General Fund Revenue - FY 2013 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$365.9	\$429.7	\$63.9	17.5%	\$372.5	15.4%
FYTD	\$2,290.2	\$2,349.0	\$58.8	2.6%	\$2,291.5	2.5%

General Fund revenue was above budget projections by \$63.9 million (17.5%) for the month of April and by \$58.8 million (2.6%) for fiscal year through April. These variances do not yet reflect the adjustments of the May 2013 report of the Revenue Forecasting Committee, which increased FY 2013 budgeted General Fund revenue forecast by \$43.5 million. This positive variance through April exists as a result of the performance of the Individual Income Tax, which was \$96.5 million over budget through April. Much of this resulted from high income taxpayers reacting to pending tax changes and shifting income recognition into 2012. Partially offsetting the Individual Income Tax positive variance were negative variances in the two other major taxes, Corporate Income Tax and Sales and Use Tax.

## Highway Fund Revenue Update

### Total Highway Fund Revenue - FY 2013 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
April	\$25.4	\$27.0	\$1.6	6.4%	\$25.9	4.1%
FYTD	\$246.7	\$246.4	(\$0.3)	-0.1%	\$243.8	1.1%

Highway Fund revenue was over budget by \$1.6 million (6.4%) in April, but remained under budget for the fiscal year through April by \$0.3 million (0.1%). These variances do not reflect the May 2013 RFC's downward revision to FY 2013 budgeted Highway Fund revenue of \$3.5 million. Fuel Taxes had been underperforming, but had a positive variance in the month of April. It is uncertain whether recent gasoline price declines contributed to the April improvement (March sales) and will continue to help reverse recent negative fuel tax variances.

## Cash Balance Update

The average balance in the cash pool in April increased by \$83 million compared with March and was \$3.8 million higher than April 2012. The General Fund balance improved sufficiently that the LePage Administration proposed that the remaining \$250,000 that had been earmarked for external cash flow borrowing be included as additional savings in the Governor's proposed "change package" to the biennial budget bill, LD 1509.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

No report.

### 2. State House Facilities Committee

No report.

## OLD BUSINESS

### Item #1: Council Actions Taken by Ballot since April 29, 2013 Meeting

#### Requests for Introduction of Legislation:

LR 2125    **An Act to Fix and Improve the Grading System of Public Schools in Maine**

Submitted by:    Senator Rebecca Millett

Approved:        May 6, 2013

Vote: 7-3-0-0 in favor (with Senator Thibodeau and Representatives Fredette and Willette opposed)

**LR 2131 An Act to Maintain Access to Safe Medical Marijuana**

Submitted by: Representative Jeff McCabe  
Approved: May 8, 2013      Vote: 7-3-0-0 in favor (with Senator  
Thibodeau and Representatives Fredette and  
Willette opposed)

**LR 2135 An Act to Assist the Lewiston Fire Victims**

Submitted by: Senator Margaret Craven  
Approved: May 8, 2013      Vote: 10-0-0-0 in favor

**LR 2144 An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporations**

Submitted by: Senator Justin Alford  
Approved: May 16, 2013      Vote: 9-0-0-1 in favor (with Senator  
Thibodeau absent)

**LR 2145 An Act to Support Maine Businesses by Authorizing Certain Brewing Partnerships**

Submitted by: Senator Justin Alford  
Approved: May 16, 2013      Vote: 9-0-0-1 in favor (with Senator  
Thibodeau absent)

**LR 2139 An Act to Create a Sales Exemption for Incidentally Caught Lobsters**

Submitted by: Senator Anne Haskell  
Approved: May 17, 2013      Vote: 10-0-0-0 in favor

**LR 2115 Resolve, To Require the Department of Health and Human Services to Initiate a New Rate Setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program**

Submitted by: Representative Richard Farnsworth  
Approved: May 21, 2013      Vote: 6-4-0-0 in favor (with Senators  
Thibodeau and Katz and Representatives  
Fredette and Willette opposed)

**LR 2148 Joint Resolution Memorializing the President of the United States, the United States Congress and the United States Trade Representative Regarding the Use of Trade Promotion Authority in International Trade Policy**

Submitted by: Representative Sharon Treat  
Approved: May 21, 2013      Vote: 6-4-0-0 in favor (with Senators  
Thibodeau and Katz and Representatives  
Fredette and Willette opposed)

**LR 2141    An Act to Help Facilitate the Merger of the Bangor Hydro Electric  
Company and the Maine Public Service Company**

Submitted by:    Representative Richard Farnsworth  
Approved:        May 22, 2013                      Vote: 9-1-0-0 in favor (with Representative  
Fredette opposed)

No Legislative Council action was required.

**NEW BUSINESS**

**Item #1: Consideration of After Deadline Bill Requests / Addendum**

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 4 bill requests, the council authorized 2 requests for introduction in the 1<sup>st</sup> Regular Session of the 126<sup>th</sup> Legislature and 2 failed to be authorized. Of the 1 joint resolution, the council did not authorize the request for introduction in the 1<sup>st</sup> Regular Session of the 126<sup>th</sup> Legislature. The Legislative Council's actions on the requests are included on the attached list.

**Item #2: Citizen Trade Policy Commission Regarding Joint Resolution (Chairs, CTPC)**

The Citizen Trade Policy Commission's letter to the Legislative Council regarding its concerns regarding a proposed Resolution titled "Joint Resolution Affirming the Friendship between the State of Maine and the Republic of China" was noted by the Legislative Council. No Legislative Council action was required.

**Item #3: Emergency Aid to the City of Lewiston (Copy of Communication)**

Mr. Boulter drew the Legislative Council members' attention to a letter of appreciation received from Commissioner Mary Mayhew, Department of Health and Human Services, regarding the Legislature's emergency aid to the City of Lewiston as well as other related communications. No Legislative Council action was required.

**Item #4: Process for Evaluating Needs and Use of Vacated Space on the Second Floor of the State House (President Alfond)**

Senate President Alfond requested that Mr. Boulter prepare a utilization plan including options for the use of space on the second floor of the State House in the event that the space becomes vacant as of July 1<sup>st</sup> of this year.

**ANNOUNCEMENTS AND REMARKS**

Representative Fredette stated his understanding that the House votes of some representatives were not recorded during a House session on May 22<sup>nd</sup>. He noted that he had spoken to the Clerk of the House to address the situation. He also stated that some of the members of his caucus have experienced slow Internet connections in the House Chamber. Representative McCabe noted that the number of electronic devices in use in the chamber contribute to slow Internet speeds.



Legislative Information Technology director Scott Clark stated that he is aware of the problem. Mr. Clark indicated that the principal issues are: the large number of electronic devices in use in a confined area saturating the room; and members' use of wi-fi "hotspot" features on their cellphones and other electronic devices that negatively affect nearby users of the Legislature's wi-fi system. Those conditions result in high use of available bandwidth, slowing Internet response time. Use of Internet access ports at members' desks is not a solution since the hardwiring is not connected or active. Mr. Clark noted that he has made plans to upgrade the wireless router network during the legislative interim to improve Internet speeds.

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 2:39 p.m.

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**126th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session  
As of: 5/23/2013**

<b>SPONSOR:</b>		
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2149	Resolve, To Study a Tracking System To Effectively Communicate and Coordinate Prompt Screening, Evaluation and Treatment Planning for Children with Autism Spectrum Disorders	FAILED
 <b>SPONSOR:</b>		
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2124	An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy	PASSED
2147	Resolve, To Establish a Study Group To Study the Issue of Medicaid Expansion	PASSED
 <b>SPONSOR:</b>		
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2129	An Act Regarding Access for Dual-licensed Liquor Licensees	FAILED

**JOINT RESOLUTION**

<b>SPONSOR:</b>		
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2155	JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO INCREASE CONFIDENCE IN OUR NATION'S FOOD SYSTEM	FAILED

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126<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**Legislative Council**

**Executive Director's Report  
June 26, 2013**

1. Olympia Snowe Day at the Legislature

Due to scheduling conflicts, Senator Snowe was not able to schedule a time prior to adjournment of the Legislature to address the Legislature in joint convention and attend a reception in her honor. She is hopeful that a time for her event can be arranged early in the Second Regular Session of the 126<sup>th</sup> Legislature.

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# Fiscal Briefing

## Legislative Council Meeting

June 27, 2013

*Prepared by the Office of Fiscal & Program Review*

### 1. General Fund Revenue Update

**Total General Fund Revenue - FY 2013 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$228.2	\$249.6	\$21.4	9.4%	\$254.4	-1.9%
FYTD	\$2,580.3	\$2,598.6	\$18.3	0.7%	\$2,545.8	2.1%

General Fund revenue was over budget by \$21.4 million (9.4%) for the month of April and by \$18.3 million (2.6%) for this fiscal year through May. These variances are over the \$43.5 million higher benchmark for FY 2013 General Fund revenue set by the May 2013 revenue forecast. The positive performance remains primarily due to the performance of the Individual Income Tax, which was \$18.8 million over budget with just one month remaining in the fiscal year.

Sales tax collections showed some improvement in May and made progress toward offsetting April's variance. Some of the April taxable sales growth and May's performance compared to the previous year may likely be due to differences in the timing of spring purchases due to the weather differences.

Corporate Income Tax continues to underperform despite recent downward adjustments to budgeted revenue targets. This category was \$1.7 million below budget for the fiscal year through May despite downward revisions in the May revenue forecast.

### 2. Highway Fund Revenue Update

**Total Highway Fund Revenue - FY 2013 (\$'s in Millions)**

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
May	\$26.4	\$26.9	\$0.4	1.7%	\$27.0	-0.4%
FYTD	\$270.6	\$273.3	\$2.7	1.0%	\$270.8	0.9%

Highway Fund revenue was over budget by \$0.4 million (1.7%) in May and has built up a positive variance of \$2.7 million for the fiscal year with only one month remaining. Fuel Taxes were under budget in May, but remained modestly ahead of budget with one month to go this fiscal year. The revenue collected by the Bureau of Motor Vehicles, which was \$2.4 million over budget for the fiscal year through May, has been the primary reason for the Highway Fund overall positive variance.

### 3. Cash Update

The average balance in the cash pool in May increased by \$131.4 million compared with April and was \$32.0 million higher than May 2012. May's average General Fund internal borrowing for cash flow needs decreased from the April average by \$152.3 million. As noted earlier, the improvement in the General Fund cash position is due primarily to April income tax collections.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2013 (FY 2013)**  
**May 2013 Revenue Variance Report**

Revenue Category				Fiscal Year-To-Date					FY 2013 Budgeted Totals
	May '13 Budget	May '13 Actual	May '13 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	72,940,367	74,244,452	1,304,085	805,512,257	804,586,500	(925,757)	-0.1%	-0.1%	984,910,746
Service Provider Tax	4,080,612	4,761,696	681,084	40,225,809	41,774,220	1,548,411	3.8%	4.7%	48,739,710
Individual Income Tax	100,716,666	116,300,126	15,583,460	1,328,708,223	1,347,497,548	18,789,325	1.4%	7.4%	1,495,000,000
Corporate Income Tax	6,338,915	4,885,212	(1,453,703)	138,483,131	136,818,001	(1,665,130)	-1.2%	-28.5%	171,021,732
Cigarette and Tobacco Tax	10,982,226	12,533,914	1,551,688	124,213,705	125,647,697	1,433,992	1.2%	-2.1%	138,180,000
Insurance Companies Tax	13,910,750	13,382,821	(527,929)	55,647,287	54,623,853	(1,023,434)	-1.8%	-8.1%	80,715,000
Estate Tax	3,587,800	5,313,958	1,726,158	47,078,433	45,849,019	(1,229,414)	-2.6%	27.5%	70,230,328
Other Taxes and Fees *	20,082,146	22,405,372	2,323,226	137,436,239	137,492,798	56,559	0.0%	14.1%	150,894,327
Fines, Forfeits and Penalties	2,082,034	2,006,324	(75,710)	21,977,429	21,643,930	(333,499)	-1.5%	-3.7%	24,552,639
Income from Investments	(4,659)	501	5,160	24,690	74,632	49,942	202.3%	-10.3%	83,883
Transfer from Lottery Commission	4,042,304	5,432,010	1,389,706	47,497,111	48,962,100	1,464,989	3.1%	-2.1%	52,550,000
Transfers to Tax Relief Programs *	(1,299,383)	(1,596,191)	(296,808)	(111,051,762)	(110,802,262)	249,500	0.2%	3.0%	(112,086,562)
Transfers for Municipal Revenue Sharing	(13,424,915)	(13,532,866)	(107,951)	(84,987,059)	(85,571,567)	(584,508)	-0.7%	1.8%	(95,086,810)
Other Revenue *	4,119,175	3,464,845	(654,330)	29,549,101	30,009,719	460,618	1.6%	-22.5%	41,600,064
<b>Totals</b>	<b>228,154,038</b>	<b>249,602,174</b>	<b>21,448,136</b>	<b>2,580,314,594</b>	<b>2,598,606,187</b>	<b>18,291,593</b>	<b>0.7%</b>	<b>2.1%</b>	<b>3,051,305,057</b>

\* Additional detail by subcategory for these categories is presented on the following page.

**General Fund Revenue**  
**Fiscal Year Ending June 30, 2013 (FY 2013)**  
**May 2013 Revenue Variance Report**

Revenue Category	May '13 Budget	May '13 Actual	May '13 Variance	Fiscal Year-To-Date					FY 2013 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
<b>Detail of Other Taxes and Fees:</b>									
- Property Tax - Unorganized Territory	(270,000)	0	270,000	11,439,881	9,654,297	(1,785,584)	-15.6%	-19.8%	13,304,107
- Real Estate Transfer Tax	692,043	798,878	106,835	8,968,114	9,831,528	863,414	9.6%	36.4%	10,842,526
- Liquor Taxes and Fees	1,721,073	1,979,091	258,018	18,935,466	19,038,272	102,806	0.5%	0.5%	20,703,164
- Corporation Fees and Licenses	1,829,247	1,881,070	51,823	6,653,829	6,881,014	227,185	3.4%	1.4%	7,847,099
- Telecommunication Excise Tax	10,000,000	10,459,524	459,524	10,000,000	10,076,113	76,113	0.8%	-6.8%	10,000,000
- Finance Industry Fees	1,906,100	1,958,950	52,850	22,445,801	23,165,080	719,279	3.2%	1.8%	24,351,990
- Milk Handling Fee	73,484	170,852	97,368	2,289,017	2,282,595	(6,422)	-0.3%	39.4%	2,362,501
- Racino Revenue	1,280,455	1,363,085	82,630	13,936,263	13,323,160	(613,103)	-4.4%	21.2%	15,215,449
- Boat, ATV and Snowmobile Fees	737,630	736,512	(1,118)	3,818,979	3,606,355	(212,624)	-5.6%	20.9%	4,763,561
- Hunting and Fishing License Fees	1,304,281	1,598,726	294,445	14,259,959	14,080,144	(179,815)	-1.3%	-3.1%	16,214,189
- Other Miscellaneous Taxes and Fees	807,833	1,458,684	650,851	24,688,930	25,554,240	865,310	3.5%	115.7%	25,289,741
<b>Subtotal - Other Taxes and Fees</b>	<b>20,082,146</b>	<b>22,405,372</b>	<b>2,323,226</b>	<b>137,436,239</b>	<b>137,492,798</b>	<b>56,559</b>	<b>0.0%</b>	<b>14.1%</b>	<b>150,894,327</b>
<b>Detail of Other Revenue:</b>									
- Liquor Sales and Operations	2,292	9,900	7,608	8,722,921	8,726,509	3,588	0.0%	8.4%	8,725,209
- Targeted Case Management (DHHS)	175,449	579	(174,870)	1,929,938	1,973,462	43,524	2.3%	-54.8%	2,105,386
- State Cost Allocation Program	1,172,406	1,384,163	211,757	14,419,916	14,366,561	(53,355)	-0.4%	14.6%	16,115,330
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	6,000,000
- Tourism Transfer	0	0	0	(9,932,319)	(9,932,319)	0	0.0%	-5.4%	(9,932,319)
- Transfer to Maine Milk Pool	0	0	0	(1,580,908)	(1,580,908)	(0)	0.0%	-28.2%	(1,314,017)
- Transfer to STAR Transportation Fund	0	0	0	(6,137,811)	(6,137,811)	0	0.0%	-92.0%	(6,137,811)
- Other Miscellaneous Revenue	2,769,028	2,070,204	(698,824)	22,127,364	22,594,224	466,860	2.1%	-18.1%	26,038,286
<b>Subtotal - Other Revenue</b>	<b>4,119,175</b>	<b>3,464,845</b>	<b>(654,330)</b>	<b>29,549,101</b>	<b>30,009,719</b>	<b>460,618</b>	<b>1.6%</b>	<b>-22.5%</b>	<b>41,600,064</b>
<b>Detail of Transfers to Tax Relief Programs:</b>									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(1,026,900)	(1,410,142)	(383,242)	(42,047,425)	(40,891,284)	1,156,141	2.7%	3.3%	(43,081,877)
- BETR - Business Equipment Tax Reimb.	(272,483)	(2,875)	269,608	(47,632,235)	(48,931,247)	(1,299,012)	-2.7%	7.3%	(47,632,583)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	(183,173)	(183,173)	(21,372,102)	(20,979,731)	392,371	1.8%	-9.7%	(21,372,102)
<b>Subtotal - Tax Relief Transfers</b>	<b>(1,299,383)</b>	<b>(1,596,191)</b>	<b>(296,808)</b>	<b>(111,051,762)</b>	<b>(110,802,262)</b>	<b>249,500</b>	<b>0.2%</b>	<b>3.0%</b>	<b>(112,086,562)</b>
<b>Inland Fisheries and Wildlife Revenue - Total</b>	<b>2,112,098</b>	<b>2,409,920</b>	<b>297,822</b>	<b>18,986,120</b>	<b>18,731,433</b>	<b>(254,687)</b>	<b>-1.3%</b>	<b>1.1%</b>	<b>21,891,335</b>

# **Highway Fund Revenue** **Fiscal Year Ending June 30, 2013 (FY 2013)**

## **May 2013 Revenue Variance Report**

Revenue Category	May '13 Budget	May '13 Actual	May '13 Variance	Fiscal Year-To-Date					FY 2013 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	14,763,734	14,279,242	(484,492)	158,889,030	158,804,525	(84,505)	-0.1%	-2.6%	191,710,000
- Special Fuel and Road Use Taxes	3,541,834	3,163,003	(378,831)	36,768,002	36,891,882	123,880	0.3%	-2.0%	43,680,000
- Transcap Transfers - Fuel Taxes	(1,353,246)	(1,283,563)	69,683	(15,938,654)	(15,958,847)	(20,193)	-0.1%	2.0%	(17,294,693)
- Other Fund Gasoline Tax Distributions	(369,196)	(357,081)	12,115	(4,394,701)	(4,397,414)	(2,713)	-0.1%	4.4%	(4,794,092)
Subtotal - Fuel Taxes	16,583,126	15,801,601	(781,525)	175,323,677	175,340,146	16,469	0.0%	-2.5%	213,301,215
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	6,459,165	7,105,632	646,467	57,365,808	58,945,374	1,579,566	2.8%	1.2%	64,825,773
- License Plate Fees	411,865	504,140	92,275	2,888,274	3,145,658	257,384	8.9%	3.0%	3,351,681
- Long-term Trailer Registration Fees	246,560	451,080	204,520	8,938,159	9,260,563	322,404	3.6%	2.3%	9,384,523
- Title Fees	927,205	1,176,954	249,749	17,748,591	17,998,340	249,749	1.4%	64.9%	18,749,539
- Motor Vehicle Operator License Fees	807,352	763,908	(43,445)	7,856,420	7,829,439	(26,981)	-0.3%	2.7%	8,521,255
- Transcap Transfers - Motor Vehicle Fees	0	0	0	(12,817,976)	(12,807,702)	10,274	0.1%	-18.7%	(17,047,282)
Subtotal - Motor Vehicle Reg. & Fees	8,852,147	10,001,713	1,149,566	81,979,276	84,371,672	2,392,396	2.9%	8.0%	87,785,489
Motor Vehicle Inspection Fees	248,540	321,605	73,065	2,733,940	3,168,209	434,269	15.9%	20.7%	2,982,500
Other Highway Fund Taxes and Fees	121,452	142,237	20,785	1,138,919	1,117,513	(21,406)	-1.9%	-7.2%	1,276,365
Fines, Forfeits and Penalties	76,295	80,597	4,302	948,737	942,466	(6,271)	-0.7%	-0.7%	1,039,868
Interest Earnings	(1,645)	10,673	12,318	101,668	82,946	(18,722)	-18.4%	-22.0%	99,513
Other Highway Fund Revenue	553,418	514,496	(38,922)	8,363,901	8,249,455	(114,446)	-1.4%	2.7%	8,920,662
<b>Totals</b>	<b>26,433,333</b>	<b>26,872,921</b>	<b>439,588</b>	<b>270,590,118</b>	<b>273,272,407</b>	<b>2,682,289</b>	<b>1.0%</b>	<b>0.9%</b>	<b>315,405,612</b>

**Legislative Council Actions  
Taken by Ballot Since the  
May 23, 2013 Council Meeting**

**Requests for Introduction of Legislation:****LR 2165      An Act to Amend the Laws Governing Secession from a Municipality**

Submitted by: Representative Charles Theriault

Approved: June 4, 2013      Vote: 7-3-0-0 in favor (with Senators Thibodeau and Katz and Representative Fredette opposing)

**LR 2167      Joint Resolution Memorializing Congress to Oppose Section 8 of H.R. 1919, An Act to Amend the Federal Food, Drug and Cosmetic Act**

Submitted by: Senator Troy Jackson

Approved: June 4, 2013      Vote: 10-0 in favor

**LR 2163      An Act to Amend the Charter of the Alfred Water District**

Submitted by: Senator John Tuttle

Approved: June 7, 2013      Vote: 10-0 in favor

**LR 2176      An Act to Delay the Implementation of Changes to the Business Equipment Tax Exemption**

Submitted by: Senator Anne Haskell

Approved: June 13, 2013      Vote: 10-0 in favor

**LR 2174      An Act to Preserve Code Enforcement Training and Implement Legislative Intent**

Submitted by: Representative Michael Carey

Approved: June 17, 2013      Vote: 8-1-1-0 in favor (with Senator Thibodeau opposing and Senator Katz abstaining)

**LR 2180      An Act Regarding School Budgets**

Submitted by: Senator Rebecca Millett

Approved: June 18, 2013      Vote: 6-4-0-0 in favor (with Senators Thibodeau and Katz and Representatives Fredette and Willette opposing)

**Legislative Council Decision:**

That the Legislative Council accept the legislative budget proposed in Part A of LD 1509 (Governor's proposed 2014-2015 biennial budget), except the Legislative Council shall lapse a total of \$1.0 million from unspent balances in legislative accounts to the General Fund not later than June 30, 2014; further that the Legislature's attrition rate for fiscal years 2014 and 2015 not be increased from its fiscal year 2013 rate; and further, that the Legislative Council direct the Executive Director to prepare and submit implementing language reflecting this decision of the Legislative Council to the Joint Standing Committee on Appropriations and Financial Affairs on behalf of the Legislative Council for inclusion in the committee amendment to the Governor's budget bill, LD 1509.

Motion by: Senator Justin Alford

Second by: Representative Mark Eves

Approved: June 7, 2013      Vote: 10-0 in favor



**126th Maine State Legislature  
Legislative Council  
Requests to Introduce Legislation  
First Regular Session  
As of: 6/21/2013 4:05:42 PM**

<b>SPONSOR:</b>	<b>Sen. Margaret M. Craven</b>	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2175	Resolve, To Honor Vietnam Veterans	-

<b>SPONSOR:</b>	<b>Sen. Troy D. Jackson</b>	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2170	An Act To Lower Electricity Rates in Maine	-

**JOINT RESOLUTION**

<b>SPONSOR:</b>	<b>Rep. Diane Russell</b>	
<u>LR #</u>	<u>Title</u>	<u>Action</u>
2173	JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO END THE PRISM PROGRAM	-

126th Maine State Legislature

ADDENDUM

Legislative Council  
Requests to Introduce Legislation  
First Regular Session

Actions Taken After June 21, 2013

Joint Resolution

SPONSOR: Sen. Justin Alford

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2190	An Act to Extend the Authorization for the Maine Education Effectiveness Council	

REP. MARK W. EVES  
CHAIR

SEN. JUSTIN L. ALFOND  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER



SEN. SETH A. GOODALL  
SEN. MICHAEL D. THIBODEAU  
SEN. TROY D. JACKSON  
SEN. ROGER J. KATZ  
REP. SETH A. BERRY  
REP. KENNETH W. FREDETTE  
REP. JEFFREY M. MCCABE  
REP. ALEXANDER R. WILLETTE

126<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

MEMO

TO: Mark W. Eves, Chair, Legislative Council  
Justin L. Alfond, Vice-Chair, Legislative Council  
Members of the Legislative Council

FROM: <sup>D.B.</sup> David E. Boulter, Executive Director

DATE: June 21, 2013

RE: Consideration of Proposed Legislative Studies

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**The Legislative Council will meet on Wednesday, June 26<sup>th</sup> at 1:00 PM for its monthly meeting and at that time it is scheduled to consider proposed legislative studies and other related matters requiring a council decision.** Attached are background materials on the proposed studies and committee meetings for the upcoming legislative interim. The materials consist of:

1. A suggested protocol for considering the proposed studies;
2. A copy of *Joint Rule 353* regarding the Legislative Studies (see subsection 10 for reference to the study table);
3. A copy of the *Legislative Council Policy on Legislative Studies*;
4. A spreadsheet listing the proposed legislative study commissions and task forces along with summary information related to each proposed study, including the estimated cost of each study. The studies are sorted by committee/policy area. A listing of approved interim committee meetings will be distributed at the meeting for informational purposes; and
5. Copies of the engrossed version (or the latest version available) of the applicable bill, resolve or joint order.

The budget for the study account includes \$10,000 for FY 14 and for FY 15. As you review these materials you will see that the \$10,000 budget for FY 14 is fully obligated as a result of the following.

- HP 1123 - Joint Order establishing the Commission to Study Transparency, Costs and Accountability of Health Care System Financing. FY 14 cost of \$5,000.
- LD 1509 – Part AA: Nonprofit Tax Review Task Force. FY 14 cost of \$2,000
- LD 1509 – Part S: Tax Expenditure Review Task Force. FY 14 cost of \$3,000

Consideration of Proposed Legislative Studies

June 21, 2013

Page 2

The cost to the General Fund for all of the proposed studies, including the studies mentioned above, is approximately \$105,503 in FY 14 and \$52,072 in FY 15. Of that amount, LD 230 proposes a General Fund appropriation of \$45,128 in FY 14 and \$45,822 in FY 15, which would reduce the amount needed from the studies account to \$60,375 in FY 14 and \$6,250 in FY 15. Subject to the approval of the Legislative Council, reserves in the studies account of approximately \$10,000 may be made available to fund additional studies.

**PLEASE BRING THESE MATERIALS WITH YOU TO THE LEGISLATIVE COUNCIL MEETING ON WEDNESDAY, JUNE 26<sup>th</sup>.** Thank you.

Attachments

cc: Darek Grant, Secretary of the Senate  
Millie MacFarland, Clerk of the House  
Marion Hylan Barr, OPLA Director  
Grant Pennoyer, OFPR Director  
Suzanne Gresser, Revisor of Statutes  
Dawna Lopatosky, Legislative Finance Director  
Darlene Shores Lynch, Senior Researcher, OPLA  
Chiefs of Staff

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**126<sup>th</sup> Legislature**  
**Legislative Council Meeting**  
**Review of Legislative Study Proposals**  
**June 2013**

**Requirements Relevant to Studies in the First Regular Session**

Under the terms of the Joint Rules of the 126<sup>th</sup> Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On February 28, 2013, the Legislative Council unanimously adopted a policy on legislative studies for the 126<sup>th</sup> Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevant as part of study legislation. Copies of the Joint Rule and the adopted policy are in your notebook.

**Suggested Protocol for Authorizing Legislative Studies**

- The Legislative Council will review study requests alphabetically by policy area.
- Voting will be by a show of hands, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting.
- Committee chairs and others are welcome to observe the council's deliberations on the study requests, but discussion of the requests will be confined to council members. However, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- Unless otherwise specified by the Legislative Council, authorized studies are to be drafted consistent with applicable standards and policies approved by the Council. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Majority Leader, except for studies tabled in the House which will be in the name of the House Majority Leader.

**Policy Issues Needing Decision**

1. **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
2. **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
3. **Interim committee meetings-Recommendation:** Unless authorized by law or joint order or approved jointly by the presiding officers, joint standing and joint select committees may not meet during the legislative interim. The number of authorized days may not exceed availability of budgeted funds. Committee clerks are not authorized to staff interim committee meetings or studies. Joint standing and joint select committees must complete all assigned work within their authorized meeting days.

**Rule 353. Legislative Studies.**

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. A joint standing or joint select committee may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with this Joint Rule.

- **1. Definitions.** For the purposes of this Joint Rule, the following terms have the following meanings:
  - A. The term “legislative study” or “legislative study committee” means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;
  - B. The term “legislative resources” means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and
  - C. The term “non-legislative study” or “non-legislative study group” means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.
- **2. Establishing legislative studies.** A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.
- **3. Appointment of members.** A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.
- **4. Appointment of chairs.** Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer members shall appoint a chair pro tem from among the appointed members to serve in the chair's absence.

- **5. Committee size.** Legislative study committees may consist of no fewer than 3 and no more than 13 members.
- **6. Staffing.** Unless the Legislative Council directs otherwise, Legislative Council staff will only be assigned to legislative studies that conform to this Joint Rule.
- **7. Reporting dates.** All reports of legislative study committees that are to be submitted to a first regular session must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of legislative study committees that are to be submitted to a second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Upon request of the study committee, the Legislative Council may extend the reporting date, except that the extension may not go beyond December 15th in odd numbered years or beyond the first Wednesday of December in even numbered years.
- **8. Legislation may not be introduced by legislative studies or non-legislative study groups.** Legislative and non-legislative study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative or non-legislative study committee or group, the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.
- **9. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.
- **10. Study table.** All joint study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or House. The Legislative Council shall review the proposed studies and authorize the allocation of budgetary and staffing resources for those studies.
- **11. Legislative Council study policies.** The Legislative Council shall adopt policies governing legislative studies at the beginning of each legislative biennium. Those policies may include conditions on the funding of legislative studies, exceptions to this Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

REP. MARK W. EVES  
CHAIR

SEN. JUSTIN L. ALFOND  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER



SEN. SETH A. GOODALL  
SEN. MICHAEL D. THIBODEAU  
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126<sup>TH</sup> MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

**Maine Legislative Council Policy  
on Legislative Studies  
for 126<sup>th</sup> Legislature**

**1. Introduction**

On March 22, 2007, the Legislative Council unanimously endorsed revisions to Joint Rule 353 and revisions to Legislative Council policies proposed by a Legislative Council subcommittee established to study the legislative study process. On May 15, 2007, the Legislative Council's proposed revisions to Joint Rule 353 were adopted by the House and the Senate, as amended by the Joint Select Committee on Joint Rules. Joint Rules adopted by each successive legislature have included Joint Rule 353.

Joint Rule 353, Section 11, requires the Legislative Council to adopt policies governing legislative studies at the beginning of each legislative biennium. Pursuant to that authority, the Legislative Council adopts this policy on legislative studies to establish policies and procedures governing the Legislative Council's authorization of legislative studies, conditions on the funding of legislative studies, exceptions to the definition of legislative study, legislative study drafting standards and other provisions necessary to satisfy the requirements of Joint Rule 353.

**2. Council authorization of legislative studies**

Legislative studies are authorized only upon the approval of a majority of the Legislative Council during its review of the study table, except that approval of 2/3 of the Legislative Council is required to authorize a legislative study that is required to submit a report to a subsequent Legislature.

**3. Funding of legislative studies**

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. That study line must include funds appropriated by the Legislature for those purposes and funds allocated by the Legislature from other departmental accounts to the Legislative Account for the purposes of funding a legislative study. The Legislative Council shall also establish budgets and provide sufficient money from the legislative account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall



provide sufficient money to enable the committees to reasonably conduct and complete the requirements of the studies.

#### 4. Acceptance of private contributions to support legislative studies

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All contributions accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

#### 5. Exceptions to Joint Rule 353

The following limited exemptions to Joint Rule 353 are provided.

- A. Boards and commissions created in statute and codified in Title 5, chapter 379 are exempted from the provisions of this Joint Rule, except that the use of new legislative financial resources or Legislative Council staffing by a new board or commission or as the result of an amendment to an existing board or commission must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources;
- B. Legislation directing an agency or a group of stakeholders to study and report to the Legislature on any matter may include the appointment of not more than two members of the Legislature, provided that the report of the agency or group is required to be submitted within the biennium in which the legislation is introduced, that there are no other legislative appointments required, that the legislators are appointed consistent with subsection 3 and that no other legislative resources are required. Legislation creating such groups must be referred to a special study table for review and approval by the Legislative Council regarding the use of those resources.
- C. Notwithstanding Joint Rule 353, section 8, a joint select committee established in a manner consistent with Joint Rule 351 may, if so authorized in joint order establishing the joint select committee, introduce legislation to implement its recommendations.

**6. Council review of committee requests to vary from Joint Rule 353**

Pursuant to Joint Rule 353, joint standing and joint select committees may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with that joint rule. Such requests must be made in writing to the Legislative Council and must include the committee's recommended draft language for the proposed study along with a list of the ways in which the proposed study does not conform to Joint Rule 353 and an explanation of why those nonconforming provisions are needed. Such instruments reported to the Legislature by a committee with the prior approval of the Legislative Council remain subject to the provisions of Joint Rule 353 which requires that all legislative studies be referred to a special study table for review and funding authorization by the Legislative Council.

**7. Authority and effective date**

Pursuant to its authority under Joint Rule 353, Section 11, the Legislative Council hereby adopts this policy governing legislative studies on this 28<sup>th</sup> day of February, 2013.

This policy takes effect immediately.

BY: David E. Boulter  
David E. Boulter, Executive Director

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# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
p.35 1 SP0031	N	Criminal Justice and Public Safety Committee Authorizing the Establishment of the Criminal Code Revision Commission	CJPS	Criminal Justice and Public Safety Committee to consult with Appropriations and Financial Affairs and Judiciary Committees to create and submit legislation to establish a Criminal Code Revision Commission.	13 / 13	Not specified	Submit bill by March 1, 2014: Second Regular Session of the 126th Legislature	Legislative per diem and expenses  Fiscal Costs: FY14 \$1,875.00 Source: GF Budget estimate assumes 1 meeting for 13 members.	OPLA	On Study Table
p.37 2 LD0095	Y	Task Force on the Prevention of Sexual Abuse of Children	HHS	Gather information concerning child sexual abuse in Maine and recommend policies to prevent and address sexual abuse of children.	13 / 4	After appointment of all members is completed	December 4, 2013: Health and Human Services Committee	Legislative per diem and expenses; public members are not entitled to reimbursement for expenses Fiscal Costs: FY14 \$2,500.00 Source: GF 4 meetings budgeted. Budget includes per diem and expenses for legislative members only.	Legislative Council	On Study Table

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
P.42 34 LD0986	N	Commission to Study Long-term Care Facilities	HHS	Study issues and the feasibility of making policy changes to the long-term care system, including funding for long-term care facilities, staffing and regulatory requirements, collaborative agreements with critical access hospitals, reimbursement mechanisms and the impact on rural populations of nursing home closures.	13 / 7	After appointment of all members is completed	December 4, 2013: Second Regular Session of the 126th Legislature	Legislative per diem and expenses  Fiscal Costs: FY14 \$4,000.00 Source: GF Budget assumes 4 meetings. Legislative Council to staff with information and assistance provided by DHHS, State Auditor and Bur. of the Budget	Legislative Council	On Study Table
P.46 4 LD1032	N	Commission to Study the Incidence of and Mortality Related to Cancer	HHS	Review the State's above-average rates of cancer incidence and mortality and the State's current cancer prevention, detection and treatment goals and priorities.	13 / 7	Within 15 days of the effective date of the resolve	December 4, 2013: Health and Human Services Committee	Legislative per diem and expenses  Fiscal Costs: FY14 \$5,750.00 Source: GF Authorized to meet up to 6 times, the budget assumes 6 meetings.	Legislative Council	Vetoed

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
p.50 5 LD1064	Y	Task Force on Independence from Public Assistance	HHS	Review and make recommendations on initiatives needed to encourage independence from public assistance and programs funded with municipal, state or federal funds to assist people to achieve employment.	13 / 7	After completion of all appointments	December 4, 2013: Health and Human Services Committee	Legislative per diem and expenses  Fiscal Costs: FY14 \$7,500.00 Source: GF Authorized to meet up to 8 times, the budget assumes 8 meetings.	Legislative Council	On Study Table
p.54 6 LD1556	N	Study Group to Examine the Issue of Medicaid Expansion	HHS	Review the issues related with expanding Medicaid eligibility pursuant to the federal Patient Protection and Affordable Care Act.	13 / 10	After appointment of all members is completed	December 4, 2013: Legislative Council	Legislative per diem and expenses  Fiscal Costs: FY14 \$8,000.00 Source: GF The budget assumes 6 meetings.	Legislative Council	In Health and Human Services Committee; not reported out

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
7 HP1136  p 58	N	Maine Health Exchange Advisory Council	IFS	Advise the Legislature regarding the interests of individuals and employers with respect to any health benefit exchange that may be created for the State pursuant to the federal Patient Protection and Affordable Care Act; serve as liaison between any exchange and those enrolled in it; and evaluate implementation and operation of any exchange.	20 / 5	When appointment of all members is completed	Preliminary report due December 16, 2013: Insurance and Financial Services Committee Final report due November 30, 2014: Insurance and Financial Services Committee	Legislative per diem and expenses  Fiscal Costs: FY14 \$4,250.00 Source: GF  FY15 \$4,250.00 Source: GF Allows the Advisory Committee to meet at least 4 times, the budget assumes 6 meetings. The Advisory Committee may accept grant and other sources of funding.	Legislative Council for 4 meetings during interims; may contract for staff	Passed in House; no action taken in Senate

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
8 HP1123 JO  p. 63	N	Commission to Study Transparency, Costs and Accountability of Health Care System Financing	IFS	Review and evaluate the current data reported by hospitals and other health care facilities relating to charges, costs of providing services, revenue and financial data and make recommendations for standardizing financial reporting to enhance transparency to the public of health care costs.	9 / 9	After all members have been appointed	December 4, 2013: IFS and HHS Committees	Legislative per diem and expenses  Fiscal Costs: FY14 \$5,000.00 Source: GF At least 4 meetings authorized, the budget assumes 4 meetings.	Legislative Council	Passed by House and Senate.
9 LD0627  p. 66	N	Stakeholder Group to Review Strategies to Improve the Affordability and Accessibility of Oral Chemotherapy Treatment (department study)	IFS	Review and report on insurance coverage as it relates to the affordability and accessibility of chemotherapy intravenously administered and injected chemotherapy.	0 / 2	No later than October 1, 2013	December 1, 2013: Insurance and Financial Services Committee	Legislative per diem and expenses  Fiscal Costs: FY14 \$1,000.00 Source: GF Members of JSC on I&FS are "invited" to attend. Budget estimate assumes 2 members will attend 4 meetings.	Bureau of Insurance and Center for Disease Control	On Study Table. Insurance and Financial Services Committee members are invited to participate in the stakeholder group.

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
LD0375 P.69	Y	Study Committee to Review Alternative Methods of Enforcement of Spousal Support	JUD	Review information about other states' approaches to the enforcement of spousal support and determine whether any of the alternative methods of enforcement should be implemented.	5 / 5	After appointment of all members is complete	November 6, 2013: Second Regular Session of the 126th Legislature	Legislative per diem and expenses  Fiscal Costs: FY14 \$3,000.00 Source: GF The budget assumes 4 meetings.	Legislative Council	On Study Table
LD0855 P.12	Y	Task Force to Research the Possibility of a Virtual Legislature	SLG	Study strategies for remote citizen participation in the legislative process and make pilot program recommendations.	13 / 8	After appointment of all members is complete	December 4, 2013 preliminary report: Second Regular Session of the 126th Legislature Final report: November 5, 2014: First Regular Session of the 127th Legislature	Legislative per diem and expenses  Fiscal Costs: FY14 \$4,500.00 Source: GF Budget assumes 4 meetings. (The 8 legislative members includes the current Chair of Right to Know Advisory Committee.)	Legislative Council during the interim; Task Force may request staff assistance from the offices of the Secretary of the Senate and the Clerk of the House	On Study Table



# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
p. 76 12 LD1509	Y	Nonprofit Tax Review Task Force	TAX	Evaluate the feasibility and desirability of identifying parameters and a process for imposing a temporary assessment on certain nonprofit organizations that will generate revenue annually.	9 / 4	No later than September 1, 2013	December 1, 2013: Appropriations and Financial Affairs and Taxation	Legislative per diem and expenses  Fiscal Costs: FY14 \$2,000.00 Source: GF The budget assumes 4 meetings.	Department of Administrative and Financial Services	Enacted in Budget bill; Part AA; Vetoed
p. 80 13 LD1509	Y	Tax Expenditure Review Task Force	TAX	Examine tax expenditures and evaluate specific tax expenditures that provide a direct benefit to business as a catalyst for economic growth; review best practices and standardized criteria used by other states for measuring the effectiveness of tax expenditures; and recommend the repeal or reduction of tax expenditures to save at least \$40,000,000.	13 / 4	When appointment of all members is completed	December 4, 2013: Appropriations and Financial Affairs Committee	Legislative per diem and expenses  Fiscal Costs: FY14 \$3,000.00 Source: GF The Task Force is authorized to meet up to 6 times. The budget assumes 6 meetings.	OFPR and OPEGA	Enacted in Budget bill; Part S; Vetoed

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
LD1222	Y	Task Force to Study Maine's Governmental Ethics and Transparency Laws	VLA	Review the State's laws concerning governmental ethics and transparency, including laws governing financial disclosure for the legislative and executive branches.	13 / 11	When appointment of all members is completed	December 4, 2013: Veterans' and Legal Affairs Committee	Legislative per diem and expenses  Fiscal Costs: FY14 \$6,000.00 Source: GF Budget assumes 4 meetings.	Legislative Council	On Study Table

Totals: 2014  
GF \$58,375.00

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2015  
GF \$4,250.00

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\$62,625.00

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
1 LD1105  p. 86	N	Downtown Revitalization Fund Board (on-going)	AFA	Disburse loans and grants from the fund to encourage business development in downtown areas.	9 / 4	Not specified	: None specified	Legislative per diem and expenses pursuant to Title 3 section 2  Fiscal Costs: FY14 \$0.00 Source: GF Assuming 4 meetings per year, annual costs of \$2,000 for legislator per diem and expenses will be paid by Legislature and reimbursed from Downtown Revitalization Fund account.	Office of Community Development	In AFA Committee; not Reported Out
2 LD0963  p. 89	N	Commission on Expanding Early Postsecondary Access for High School Students (on-going)	EDU	Develop strategies to expand access to early postsecondary opportunities for high school students in the State.	19 / 4	Not specified	January 15 annually: Education and Cultural Affairs Committee	Legislative per diem and expenses  Fiscal Costs: FY14 \$2,000.00 Source: GF  FY15 \$2,000.00 Source: GF The budget assumes 4 meetings per year. Will result in ongoing budget increase of \$2,000 per year.	Department of Education	On Study Table

# Maine State Legislature - Proposed Study Bills

Sort Fields:

LD/Paper	Emer?	Study Name	Policy Area	Purpose	# Members / # Legislators	Start Date	Report Date(s)	Compensation/ Fiscal Costs	Staff	Notes
LD0230	N	Commission on Health Care Cost and Quality (on-going)	HHS	Implement the federal Centers for Medicare and Medicaid Services state innovation model grant and develop and issue the biennial State Health Plan.	13 / 4	Not specified	Insurance and Financial Affairs Committee: Recommendations annually by October 1 Health and Human Services Committee: Recommendations annually by October 1	Legislative per diem and expenses  Fiscal Costs: FY14 \$39,128.00 Source: GF  FY15 \$39,822.00 Source: GF Allows the Commission to meet at least 4 times. The budget assumes 6 meetings. The Commission may seek outside funding.	Legislative Council during interim; contract staff at other times	On Appropriations Table

P.96

Totals: 2014  
GF \$41,128.00  

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2015  
GF \$41,822.00  

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\$82,950.00

# OTHER ITEMS REQUIRING COUNCIL ACTION

LD/Paper #	Emer?	Study Name	Policy Area	Purpose	# Members/ # Legislators	Start Date	Report Date	Compensation/ Fiscal Costs	Staff	Current Status
HP 1132  P. 104	N	Blue Ribbon Commission to Study the State Board of Corrections and the Unified County Corrections System	CJPS	Review the current structure of the county jail corrections system; review and propose revisions to the mission and authority of the State Board of Corrections; and clarify the structure and authority of the unified systems of corrections and the State Board of Corrections.	13/0	When appointment of all members is completed	December 4, 2013: Criminal Justice and Public Safety Committee	Fiscal Costs: FY14 \$0.00 Source: OSR The Commission shall seek outside funding to fully fund the costs of the study. Legislative Council not to incur costs for staffing but are to seek the provision of staffing services from a nonlegislative entity.	Legislative Council may seek staffing services from a non-legislative entity	On Study Table
TOTALS:									OSR	2014 \$0.00

**CJPS**

**SP 31**

**Criminal Justice and Public Safety  
Committee Authorizing the  
Establishment of the Criminal Code  
Revision Commission**

## STATE OF MAINE

In Senate \_\_\_\_\_

**ORDERED**, the House concurring, that by March 1, 2014, the Joint Standing Committee on Criminal Justice and Public Safety, after consultation with the Joint Standing Committee on Judiciary and the Joint Standing Committee on Appropriations and Financial Affairs, shall submit legislation to the Second Regular Session of the 126th Legislature establishing the Criminal Code Revision Commission, for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. The commission shall:

1. Examine all sections of the Maine Criminal Code and all criminal statutes not contained in the Maine Criminal Code;

2. Evaluate the operation of the Maine Criminal Code in an effort to revise the Maine Criminal Code as necessary to ensure clarity, consistency, generalization in defining prohibited conduct, proportionality of the penalties and punishments to the offense and equity in sentencing. The commission shall recommend amendments to the Maine Criminal Code based on the evaluation and amendments to those Maine criminal statutes not contained in the Maine Criminal Code; and

3. Examine any other aspects of Maine's criminal laws, including substantive, procedural and administrative matters, that the commission determines relevant.

The legislation must provide that the Criminal Code Revision Commission may accept federal and other grants to carry out its responsibilities.

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

(Senator GERZOFSKY)

**COUNTY:** Cumberland

**HHS**

**LD 95**

**Task Force on the Prevention of  
Sexual Abuse of Children**



STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 77 - L.D. 95

**Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children**

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

**Whereas,** this resolve creates the Task Force on the Prevention of Sexual Abuse of Children to study and recommend policies addressing sexual abuse of children; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1. Task force established. Resolved:** That the Task Force on the Prevention of Sexual Abuse of Children, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

1. Two members of the Senate, appointed by the President of the Senate;
2. A representative of an organization representing law enforcement, appointed by the President of the Senate;
3. A representative of a statewide professional teachers organization, appointed by the President of the Senate;
4. A representative of a statewide coalition against sexual assault, appointed by the President of the Senate;

5. A representative of a community-based organization serving youth, appointed by the President of the Senate;

6. Two members of the House of Representatives, appointed by the Speaker of the House;

7. A representative of a sexual assault crisis and support center involved in the prevention of child sexual abuse, appointed by the Speaker of the House;

8. A person who is a victim of child sexual abuse, appointed by the Speaker of the House;

9. A representative of an organization representing public school administration, appointed by the Speaker of the House;

10. The Commissioner of Education, or the commissioner's designee; and

11. The Commissioner of Health and Human Services, or the commissioner's designee; and be it further

**Sec. 3. Compensation. Resolved:** That, notwithstanding Joint Rule 353, public members of the task force are not entitled to reimbursement for their expenses; and be it further

**Sec. 4. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 5. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

**Sec. 6. Duties. Resolved:** That the task force shall study and develop recommendations for preventing child sexual abuse. In developing those recommendations, the task force shall:

1. Gather information concerning child sexual abuse throughout the State;

2. Solicit and receive reports and testimony from individuals, state and local agencies, community-based organizations and other public and private organizations; and

3. Recommend policies to prevent and address sexual abuse of children, including age-appropriate curricula for students in prekindergarten to grade 5; methods for increasing teacher, student and parent awareness of issues regarding sexual abuse of children, including the provision of information concerning warning signs indicating that.

a child may be a victim of sexual abuse; actions that a child who is a victim of sexual abuse may take to obtain assistance and intervention; and available counseling options for children affected by sexual abuse; and be it further

**Sec. 7. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the task force; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 4, 2013, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. That joint standing committee is authorized to introduce a bill to the Second Regular Session of the 126th Legislature related to the subject matter of the report.

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

MARGARET M. CRAVEN, District 16, Chair  
 COLLEEN M. LACHOWICZ, District 25  
 ALES M. HAMPER, District 13

JANE ORBETON, Legislative Analyst  
 ANNA BROOME, Legislative Analyst  
 BENJAMIN FRECH, Committee Clerk



RICHARD R. FARNSWORTH, Portland, Chair  
 MATTHEW J. PETERSON, Rumford  
 PETER C. STUCKEY, Portland  
 KATHERINE W. CASSIDY, Lubec  
 ANN E. DORNEY, Norridgewock  
 DREW M. GATTINE, Westbrook  
 DEBORAH J. SANDERSON, Chelsea  
 RICHARD S. MALABY, Hancock  
 HEATHER W. SIROCKI, Scarborough  
 CAROL A. MCELWEE, Caribou  
 HENRY JOHN BEAR, Houlton Band of Maliseet Indians

State of Maine  
 ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
 COMMITTEE ON HEALTH AND HUMAN SERVICES

To: Speaker Mark W. Eves, Chair  
 President Justin L. Alfond, Vice-chair  
 Legislative Council members

From: Senator Margaret M. Craven, Chair *me*  
 Representative Richard R. Farnsworth, Chair *RRF*  
 Joint Standing Committee on Health and Human Services

Date: June 5, 2013

Re: LD 95, Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

LD 95, Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children is currently on the study table. This resolve was passed unanimously by the Health and Human Services Committee. As drafted, this resolve does not conform with Joint Rule 353 and we request permission that LD 95 be enacted as it is drafted.

This resolve is drafted using the same nonconforming language as Resolve 2011, c. 162 (LD 1705) except that the report date in the resolve is updated to reflect that the report is submitted to the Second Regular Session of the 126<sup>th</sup> Legislature. The Health and Human Services Committee of the 125<sup>th</sup> was also in unanimous support of this resolve. Despite the passage of this emergency resolve, appointments to the Task Force on the Prevention of Sexual Abuse of Children were not made in time for the Task Force to meet and conduct its work.

The Health and Human Services Committee still believes that the membership of the Task Force is appropriate for accomplishing the duties outlined in the resolve although it does not comply with Joint Rule 353 (because it does not have a majority of legislators). We suggest that some of the public members of the Task Force that were appointed last year be considered for appointment to the Task Force to ensure a timely start to the Task Force's activities.

Thank you for your consideration. Please let us know if you have any questions.

cc: Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
 Representative Joyce Maker

**HHS**

**LD 986**

**Commission to Study  
Long-term Care Facilities**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

S.P. 331 - L.D. 986

**Resolve, To Establish the Commission To Study Long-term Care Facilities**

**Sec. 1. Commission To Study Long-term Care Facilities established. Resolved:** That the Commission To Study Long-term Care Facilities, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 13 members appointed as follows:

1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

3. Six members appointed by the Governor who possess expertise in the subject matter of the study, as follows:

A. The director of a long-term care ombudsman program described under the Maine Revised Statutes, Title 22, section 5106, subsection 11-C;

B. The director of a statewide association representing long-term care facilities and one representative of a 2nd association of owners of long-term care facilities;

C. A person who serves as a city manager of a municipality in the State;

D. A person who serves as a director or who is an owner or administrator of a nursing facility in the State; and

E. A representative of the Governor's office or the Governor's administration; and be it further

**Sec. 3. Chairs; subcommittees. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in section 5 and to assist the commission. The subcommittees must be composed of members of the commission and interested persons

who are not members of the commission and who volunteer to serve on the subcommittees without reimbursement. Interested persons may include representatives of nursing facilities with a high percentage of residents whose care is reimbursed through the MaineCare program, individuals with specialized knowledge in implementing an acuity-based staffing system, individuals with expertise in acuity-based reimbursement systems, a representative of an agency that provides services to the elderly and any other persons with experience in nursing facility care; and be it further

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall study the following issues and the feasibility of making policy changes to the long-term care system:

1. Funding for long-term care facilities, including the development of an acuity-based reimbursement system as proposed in Legislative Document 1245 of the 126th Legislature, "Resolve, Directing the Department of Health and Human Services To Create a More Equitable, Transparent Resource Allocation System for Nursing Facilities Based on Residents' Needs," and the development of a pay-for-performance program to encourage and reward strong performance by nursing facilities as proposed in Legislative Document 928 of the 126th Legislature, "An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality";

2. Staffing and regulatory requirements, including the development of minimum staffing requirements based on a 24-hour time period as proposed in Legislative Document 1246 of the 126th Legislature, "An Act To Promote Greater Staffing Flexibility without Compromising Safety or Quality in Nursing Facilities";

3. Collaborative agreements with critical access hospitals for the purpose of sharing resources;

4. Reimbursement mechanisms to reimburse facilities for which the MaineCare program is the payor for a high percentage of the residents as proposed in Legislative Document 928 of the 126th Legislature, "An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality";

5. The viability of privately owned facilities in rural communities; and

6. The impact on rural populations of nursing home closures.

In performing the study the commission shall review the final report of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities established by Resolve 1997, chapter 81; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the commission; and be it further

**Sec. 7. Information and assistance. Resolved:** That the Commissioner of Health and Human Services, the State Auditor and the State Budget Officer shall provide information and assistance to the commission as required for its duties; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 4, 2013, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 126th Legislature.



**HHS**

**LD 1032**

**Commission to Study the Incidence of  
Morality Related to Cancer**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 727 - L.D. 1032

**Resolve, Establishing the Commission To Study the Incidence of and  
Mortality Related to Cancer**

**Sec. 1. Commission established. Resolved:** That the Commission To Study the Incidence of and Mortality Related to Cancer, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of no more than 13 members appointed as follows:

1. The President of the Senate shall:

A. Appoint 3 members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature. The President of the Senate shall give a preference in making one of the appointments to a member who serves on the Joint Standing Committee on Health and Human Services; and

B. Appoint one person representing the Department of Health and Human Services, Maine Center for Disease Control and Prevention and one person representing a statewide public health organization; and

2. The Speaker of the House of Representatives shall:

A. Appoint 4 members of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature. The Speaker of the House shall give a preference in making one of the appointments to a member who serves on the Joint Standing Committee on Health and Human Services; and

B. One person representing a statewide organization of medical professionals, one person representing a statewide voluntary nonprofit health organization that represents cancer patients, one person who possesses expertise in cancer research or epidemiology and one person who possesses expertise in the subject matter of the study; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 10 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The chairs of the commission shall call and convene the first meeting of the commission within 15 days of the effective date of this resolve. If a majority of but not all appointments have been made within 10 days of the effective date of this resolve, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

**Sec. 5. Meeting. Resolved:** That the commission is authorized to meet up to 6 times to accomplish its duties; and be it further

**Sec. 6. Duties. Resolved:** That the commission shall review the State's above-average rates of cancer incidence and mortality and the State's current cancer prevention, detection and treatment goals and priorities.

The commission shall gather information and data from public and private entities as necessary to:

1. Identify or review the State's current priorities and goals to reduce the incidence of and mortality from cancer;
2. Identify the types of cancer with the highest incidence and mortality in the State, including the types of cancer whose incidence and mortality rates differ the most from national averages;
3. Identify the risk factors, including preventable lifestyle risk factors such as tobacco use, diet, exercise and obesity, related to high relative rates of the incidence of and mortality from cancer;
4. Identify the extent to which barriers to health care in the State contribute to cancer mortality;
5. Make recommendations for legislative strategies to reduce the State's cancer incidence and mortality; and
6. Make recommendations for how current state programs could further assist citizens through education and cancer prevention programs; and be it further

**Sec. 7. Cooperation. Resolved:** That the Commissioner of Health and Human Services and the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, the Commissioner of Administrative and Financial Services and the Commissioner of Education, and any other relevant

department, shall provide information and data to the commission as necessary for its work, within existing resources; and be it further

**Sec. 8. Staff assistance. Resolved:** That the Legislative Council may provide necessary staffing services to the commission; and be it further

**Sec. 9. Report. Resolved:** That, no later than December 4, 2013, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services in the Second Regular Session of the 126th Legislature.

**HHS**

**LD 1064**

**Task Force on Independence from  
Public Assistance**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 757 - L.D. 1064

**Resolve, To Establish the Task Force on Independence from Public Assistance**

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

Whereas, the Task Force on Independence from Public Assistance is required to perform its work in a thorough and deliberate manner so that legislation may be drafted to encourage independence from public assistance for consideration in the Second Regular Session of the 126th Legislature; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1. Task Force on Independence from Public Assistance established.**

**Resolved:** That the Task Force on Independence from Public Assistance, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Three members appointed by the Governor who possess expertise in public assistance programs and programs to assist people to achieve employment. One member must represent the executive branch, one member must represent municipal administrators of general assistance programs and one member must represent employers in the State;

4. One member appointed by the President of the Senate who represents the academic community and possesses policy and research expertise in public assistance programs and poverty; and

5. Two members appointed by the Speaker of the House who possess expertise in public assistance programs. One member must represent nonprofit organizations and possess policy expertise in public assistance programs that help people move out of poverty, and one member must be a person who has successfully transitioned from poverty and reliance on the State's public benefit programs to sustainable employment; and be it further

**Sec. 3. Cooperation. Resolved:** That the Department of Health and Human Services, other state agencies and the Maine State Housing Authority shall provide information and assistance to the task force as requested by the task force for the performance of its duties; and be it further

**Sec. 4. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 5. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

**Sec. 6. Duties. Resolved:** That the task force shall meet up to 8 times to review and make evidence-based recommendations, including any suggested legislation, on initiatives needed to help families receiving municipal, state or federal public assistance move out of poverty to independence through employment. The task force shall identify any provisions in current state policy, law and rules that penalize or create a disincentive to work and make needed recommendations to eliminate any such barriers and propose new policies that support and promote stable and lasting employment. In performing its work, the task force shall review categories of public assistance available to residents of the State and eligibility requirements; termination of eligibility, assistance and benefits; transitional assistance and benefits; barriers to independence from public assistance; related legislative reports and academic research conducted in the State; and initiatives to assist people to achieve employment; and be it further

**Sec. 7. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 4, 2013, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services.

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



**HHS**

**LD 1556**

**Study Group to Examine the Issue of  
Medicaid Expansion**



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1556

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H.P. 1124

House of Representatives, May 31, 2013

### Resolve, To Establish the Study Group To Examine the Issue of Medicaid Expansion

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FREDETTE of Newport.

Cosponsored by Representatives: PARRY of Arundel, TYLER of Windham, WILLETTE of Mapleton.

1       **Sec. 1. Study group established. Resolved:** That the Study Group To  
2       Examine the Issue of Medicaid Expansion, referred to in this resolve as "the study  
3       group," is established.

4       **1. Membership.** The study group consists of 13 members appointed as follows:

5       A. Five members of the Senate appointed by the President of the Senate, including at  
6       least 2 members from the party holding the 2nd largest number of seats in the  
7       Legislature;

8       B. Five members of the House of Representatives appointed by the Speaker of the  
9       House, including at least 2 members from the party holding the 2nd largest number of  
10      seats in the Legislature;

11      C. One member representing the health care industry, appointed by the President of  
12      the Senate;

13      D. One member appointed by the Governor; and

14      E. The Commissioner of Health and Human Services or the commissioner's designee.

15      **2. Chairs.** The first-named Senate member is the Senate chair and the first-named  
16      House of Representatives member is the House chair of the study group.

17      **3. Appointments; convening of study group.** All appointments must be made no  
18      later than 30 days following the effective date of this resolve. The appointing authorities  
19      shall notify the Executive Director of the Legislative Council once all appointments have  
20      been completed. When the appointment of all members has been completed, the chairs  
21      shall call and convene the first meeting of the study group. If 30 days or more after the  
22      effective date of this resolve a majority of but not all appointments have been made, the  
23      chairs may request authority and the Legislative Council may grant authority for the  
24      study group to meet and conduct its business.

25      **4. Duties.** The study group shall review the issues associated with expanding  
26      Medicaid eligibility pursuant to the federal Patient Protection and Affordable Care Act.  
27      In conducting its review, the study group shall specifically examine:

28      A. The projected costs to the State associated with an expansion of Medicaid  
29      eligibility during the 10 years immediately following such an expansion;

30      B. The potential costs to the State associated with an expansion of Medicaid  
31      eligibility after the time period described in paragraph A;

32      C. Limitations on the growth of MaineCare that may be implemented to ensure that  
33      the State's other budget priorities receive adequate funding;

34      D. The results of the expansion of Medicaid eligibility that occurred in the State in  
35      2002 and whether and how those results might inform the current question of  
36      expanding Medicaid eligibility;

37      E. The existence of less costly alternatives to expanding Medicaid eligibility that  
38      might result in a reduction in the number of uninsured individuals in the State, such

1 as utilization of the health insurance exchange to be established under the federal  
2 Patient Protection and Affordable Care Act;

3 F. The possibility of obtaining from the Federal Government higher Medicaid  
4 matching rates or other benefits to citizens of the State as a result of the expansion of  
5 Medicaid as proposed in Legislative Document 1066, "An Act To Increase Access to  
6 Health Coverage and Quality Maine for Federal Funding," of the 126th Legislature;  
7 and

8 G. Any other issues the study group determines appropriate.

9 **5. Staff assistance.** The Legislative Council shall provide necessary staffing  
10 services to the study group.

11 **6. Report.** No later than December 4, 2013, the study group shall submit a report to  
12 the Legislative Council that includes its findings and recommendations, including any  
13 suggested legislation.

#### 14 SUMMARY

15 This resolve establishes the Study Group To Examine the Issue of Medicaid  
16 Expansion to examine the issues associated with expanding Medicaid eligibility pursuant  
17 to the federal Patient Protection and Affordable Care Act.

**IFS**

**HP 1136**

**Maine Health Exchange  
Advisory Council**

## STATE OF MAINE

In House 1136

**ORDERED**, the Senate concurring, that, notwithstanding Joint Rule 353, the Maine Health Exchange Advisory Committee, referred to in this order as "the advisory committee," is established to advise the Legislature regarding the interests of individuals and employers with respect to any health benefit exchange, referred to in this order as "the exchange," that may be created for this State pursuant to the federal Patient Protection and Affordable Care Act.

**1. Appointment; composition.** The advisory committee consists of members appointed as follows:

A. The following 5 members of the Legislature, of whom 3 members must serve on the Joint Standing Committee on Insurance and Financial Services and 2 members must serve on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Appropriations and Financial Affairs:

- (1) Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and
- (2) Three members of the House of Representatives, appointed by the Speaker of the House, including one member recommended by the House Minority Leader;

B. Two persons representing health insurance carriers, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives;

C. One person representing dental insurance carriers, appointed by the Speaker of the House of Representatives;

D. One person representing insurance producers, appointed by the President of the Senate;

E. One person representing Medicaid recipients, appointed by the Speaker of the House of Representatives;

F. Two persons representing health care providers and health care facilities, including one member representing federally qualified health centers, appointed by the Speaker of the House of Representatives;

G. One person who is an advocate for enrolling hard-to-reach populations, including individuals with mental health or substance abuse disorders, appointed by the President of the Senate;

H. One member representing a federally recognized Indian tribe, appointed by the President of the Senate; and

I. Four members representing individuals and small businesses, including:

- (1) One person, appointed by the President of the Senate, who can reasonably be expected to purchase individual coverage through an exchange with the assistance of a premium tax credit and who can reasonably be expected to represent the interests of consumers purchasing individual coverage through the exchange;
- (2) One person, appointed by the Speaker of the House of Representatives, representing an employer that can reasonably be expected to purchase group coverage through an

exchange and who can reasonably be expected to represent the interests of such employers;

(3) One person, appointed by the President of the Senate, representing navigators or entities likely to be licensed as navigators; and

(4) One person, appointed by the Speaker of the House of Representatives, employed by an employer that can reasonably be expected to purchase group coverage through an exchange and who can reasonably be expected to represent the interests of such employees.

The President of the Senate and the Speaker of the House of Representatives shall invite the Superintendent of Insurance, or the superintendent's designee, and the Commissioner of Health and Human Services, or the commissioner's designee, to participate as ex officio nonvoting members.

**2. Chairs.** The first-named Senator is the Senate chair of the advisory committee and the first-named member of the House of Representatives is the House chair of the advisory committee.

**3. Appointments; convening.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the advisory committee shall call and convene the first meeting of the advisory committee. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the advisory committee to meet and conduct its business.

**4. Duties.** The advisory committee shall:

A. Advise the Legislature regarding the interests of individuals and employers with respect to any exchange that may be created for this State;

B. Serve as a liaison between any exchange and individuals and small businesses enrolled in the exchange;

C. Evaluate the implementation and operation of any exchange with respect to the following:

(1) The essential health benefits benchmark plan designated in this State under the federal Patient Protection and Affordable Care Act, including whether the State should change its designation;

(2) The impact of federal and state laws and regulations governing the health insurance rating for tobacco use and coverage for wellness programs and smoking cessation programs on accessibility and affordability of health insurance;

(3) The consumer outreach and enrollment conducted by the exchange and whether the navigator program is effective and whether navigators or other persons providing assistance to consumers are in compliance with any federal or state certification and training requirements;

(4) The coordination between the state Medicaid program and the exchange;

(5) Whether health insurance coverage through the exchange is affordable for individuals and small businesses, including whether individual subsidies are adequate;

(6) Whether the exchange is effective in providing access to health insurance coverage for small businesses;

(7) The implementation of rebates under the federal Patient Protection and Affordable Care Act and the Maine Revised Statutes, Title 24-A, section 4319; and

(8) The coordination of plan management activities between the Department of Professional and Financial Regulation, Bureau of Insurance and the exchange, including the certification of qualified health plans and rate review;

D. Following the release of guidance or regulations from the federal Centers for Medicare and Medicaid Services addressing the basic health program option, as set forth in Section 1331 of the federal Patient Protection and Affordable Care Act, conduct a study, and make recommendations as appropriate, that examines the potential for establishing a basic health program for eligible individuals in order to ensure continuity of care and that families previously enrolled in Medicaid remain in the same plan. In conducting the study, the advisory committee shall consider the affordability of coverage for low-income populations, the potential cost savings to the state Medicaid program, the systems needed to create a seamless transition between a basic health program and Medicaid coverage, the impact of a basic health program on the negotiation of rates or receipt of rebates and the cost-effectiveness of delivering coverage through a basic health program; and

E. Based on the evaluations conducted by the advisory committee pursuant to this order, make recommendations for any changes in policy or law that would improve the operation of an exchange for consumers and small businesses in the State.

**5. Compensation.** Except for members of the advisory committee who are Legislators, members serve as volunteers and without compensation or reimbursement for expenses. Members who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel for attendance at meetings of the advisory committee.

**6. Quorum.** A quorum is a majority of the members of the advisory committee.

**7. Meetings.** The advisory committee shall meet at least 4 times a year at regular intervals and may meet at other times at the call of the chairs. Meetings of the advisory committee are public proceedings as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

**8. Records.** Except for information designated as confidential under federal or state law, information obtained by the advisory committee is a public record as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

**9. Staffing.** The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session or for more than 4 meetings annually between regular or special sessions of the Legislature. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

**10. Funding for advisory committee activities.** The advisory committee may accept from the Department of Professional and Financial Regulation, Bureau of Insurance and the Department of Health and Human Services any grant funding made available to the State for exchange implementation and plan management activities that is received by those state agencies. The advisory committee may apply for and receive funds, grants or contracts from public and private sources to support its activities. Contributions to support the work of the advisory



committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

**11. Reports.** The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a preliminary report on its activities no later than December 16, 2013. The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a final report on its activities no later than November 30, 2014, and shall include in its report a review and evaluation of the continued necessity of a state health exchange advisory committee, including the staffing and funding needs of such an advisory committee, recommendations as to whether such an advisory committee should be established by the 127th Legislature and whether any changes should be made to the Maine Revised Statutes governing such an advisory committee.

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

(Representative TREAT)

**TOWN:** Hallowell

**IFS**

**HP 1123**

**Commission to Study Transparency,  
Costs and Accountability of Health  
Care System Financing**

## STATE OF MAINE

In House \_\_\_\_\_

**ORDERED**, the Senate concurring, that the Commission To Study Transparency, Costs and Accountability of Health Care System Financing is established as follows.

**1. Commission To Study Transparency, Costs and Accountability of Health Care System Financing established.** The Commission To Study Transparency, Costs and Accountability of Health Care System Financing, referred to in this order as "the commission," is established.

**2. Membership.** The commission consists of 9 members appointed as follows:

A. Four members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

B. Five members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature.

**3. Commission chairs.** The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

**4. Appointments; convening of commission.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**5. Duties.** The commission shall:

A. Review and evaluate the current data reported by hospitals and other health care facilities in the State pursuant to state and federal law relating to charges, costs of providing services, revenue and other financial data and make recommendations for standardizing financial reporting to enhance transparency to the public of health care costs;

B. Make recommendations for changes and modifications to the current data reporting requirements so that hospitals and other health care facilities publicly report charges, negotiated rates for public and private payors, advertising fees, lobbying expenses, administrative costs and other expenses in a transparent manner. The commission shall consider the costs of implementing any recommendations and the impact of public reporting of negotiated rates on proprietary information held by public and private payors;

C. Make recommendations for increasing transparency to the public of data relating to the costs, price and negotiated rates for health care services in an accessible manner;

- D. Seek public input from individuals, hospitals, health care providers, insurers, 3rd-party payors, government-sponsored health care programs and interested organizations;
- E. Consult and collaborate with stakeholders and experts in the fields of health care and hospitals and public policy; and
- F. Examine any other issues to further the purposes of the study.

The commission may solicit health care cost data and information from both the public and private sectors to help inform the commission's work, including, but not limited to, the data and information of the Department of Health and Human Services, the Maine Health Data Organization, a statewide health care management association, a statewide hospital association and a statewide public health association.

**6. Meetings.** The commission shall hold at least 4 meetings.

**7. Staff assistance.** The Legislative Council shall provide necessary staffing services to the commission. The commission may invite the Department of Health and Human Services, the Maine Health Data Organization, the Department of Professional and Financial Regulation, Bureau of Insurance and other agencies of State Government to provide additional staff support or assistance to the commission.

**8. Report.** The commission shall submit a report and any suggested legislation for presentation to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Insurance and Financial Services no later than December 4, 2013.

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

(Representative TREAT)

**TOWN:** Hallowell

**IFS**

**LD 627**

**Stakeholder Group to Review  
Strategies to Improve the  
Affordability and Accessibility of Oral  
Chemotherapy Treatment**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

S.P. 217 - L.D. 627

**Resolve, Directing a Review of Strategies To Improve the Affordability and  
Accessibility of Oral Chemotherapy Treatment**

**Sec. 1. Review and report. Resolved:** That the Department of Professional and Financial Regulation, Bureau of Insurance and the Department of Health and Human Services, Maine Center for Disease Control and Prevention, referred to in this section as "the conveners," shall jointly convene a work group of stakeholders to review and report on insurance coverage as it relates to the affordability and accessibility of chemotherapy treatment in the State, including coverage disparities between orally administered, intravenously administered and injected chemotherapy. The conveners shall invite stakeholders to participate in the work group, including, but not limited to, oncologists, cancer patients and a hospital cancer center; representatives of the Maine Medical Association, American Cancer Society Cancer Action Network, Susan G. Komen Maine and Maine Cancer Consortium; 2 representatives of health insurance carriers; and the Joint Standing Committee on Insurance and Financial Services. The work group shall convene no later than October 1, 2013. The conveners shall facilitate the duties of the work group required by this resolve within existing resources and may rely on the expertise and resources of work group members to fulfill the duties described in this resolve; and be it further

**Sec. 2. Duties. Resolved:** That the duties of the work group under section 1 include, but are not limited to, the following:

1. Reviewing the federal laws and regulations pertaining to health insurance coverage for chemotherapy administered orally, intravenously and by injection, including the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and the regulations pertaining to essential health benefits under that Act;

2. Reviewing studies from this State and other states regarding the affordability and accessibility of oral chemotherapy, as well as cost and actuarial analyses of coverage parity for oral chemotherapy;

3. Reviewing any available state data on insurance coverage for chemotherapy treatment administered orally, intravenously and by injection, including patient out-of-pocket costs and drug formularies;

4. Identifying the advantages and disadvantages of requiring coverage for prescribed, orally administered oral chemotherapy that is equivalent to the coverage provided for intravenously administered or injected oral chemotherapy; and

5. Making recommendations regarding requiring coverage for prescribed, orally administered oral chemotherapy; and be it further

**Sec. 3. Report. Resolved:** That, by December 1, 2013, the Department of Professional and Financial Regulation, Bureau of Insurance, after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention and work group members, shall submit a written report on behalf of the work group with the findings and any recommendations resulting from the review under section 1 to the Joint Standing Committee on Insurance and Financial Services. The joint standing committee may report out a bill during the Second Regular Session of the 126th Legislature relating to the report; and be it further

**Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Insurance - Bureau of 0092**

Initiative: Allocates funds for the costs of contractual services to convene the work group and review and report on findings.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$10,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,000</b>	<b>\$0</b>

**JUD**

**LD 375**

**Study Committee to Review  
Alternative Methods of Enforcement  
of Spousal Support**



STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

—  
S.P. 155 - L.D. 375

**Resolve, To Establish the Study Committee on Alternative Methods of  
Enforcement of Spousal Support**

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

**Whereas,** the Study Committee on Alternative Methods of Enforcement of Spousal Support will review methods of spousal support enforcement in other states; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1. Study committee established. Resolved:** That, notwithstanding Joint Rule 353, the Study Committee on Alternative Methods of Enforcement of Spousal Support, referred to in this resolve as "the study committee," is established; and be it further

**Sec. 2. Study committee membership. Resolved:** That the study committee consists of 5 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature; and
2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the study committee; and be it further

**Sec. 4. Appointments; convening of study committee. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the study committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the study committee to meet and conduct its business; and be it further

**Sec. 5. Duties. Resolved:** That the study committee shall review information about other states' approaches to the enforcement of spousal support and determine whether any of those methods of enforcement should be implemented in this State; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the study committee; and be it further

**Sec. 7. Report. Resolved:** That, no later than November 6, 2013, the study committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary may introduce a bill on the subject matter of the report to the Second Regular Session of the 126th Legislature.

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

**SLG**

**LD 855**

**Task Force to Research the Possibility  
of a Virtual Legislature**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 606 - L.D. 855

**Resolve, To Establish the Task Force To Study Issues Associated with  
Implementation of a Virtual Legislature**

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

**Whereas,** this resolve establishes the Task Force To Study Issues Associated with Implementation of a Virtual Legislature to research and propose methods for remote citizen participation; and

**Whereas,** many citizens of this State cannot participate in public hearings due to their distance from the state capitol; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1. Task force established. Resolved:** That the Task Force To Study Issues Associated with Implementation of a Virtual Legislature, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Two members of the public with technical expertise in the field of networked telecommunications, such as teleconferencing, videoconferencing and web conferencing, used in practical applications such as telemedicine or distance learning, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

4. One member of the public appointed by the President of the Senate;

5. One member of the public appointed by the Speaker of the House;

6. The chair of the Right to Know Advisory Committee, or the chair's designee; and

7. The Attorney General, or the Attorney General's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall study issues associated with implementation of a virtual Legislature, including but not limited to:

1. Technical procedures to ensure the identity of participating legislative members;

2. Legal ramifications associated with virtual legal presence rather than physical legal presence;

3. Existing laws governing freedom of access;

4. Methods of ensuring security of the legislative process and the virtual Legislature's website;

5. Strategies for remote citizen participation in public hearings; and

6. Recommendations regarding implementing a pilot program.

In reviewing the issues, the task force shall specifically examine the methods by which other states, including but not limited to Alaska, successfully integrate a virtual aspect into their legislative activities, and shall consider using another state's successful model as a template; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force except that Legislative Council staff support is not authorized when the Legislature is in regular or special session. The office of the Secretary of the Senate and office of the Clerk of the House must provide staff assistance to the task force upon request by the task force; and be it further

**Sec. 7. Preliminary report. Resolved:** That, no later than December 4, 2013, the task force shall submit for presentation to the Second Regular Session of the 126th Legislature a preliminary report that includes the recommendations of the task force regarding the study, including recommendations that can be implemented immediately and recommendations for a pilot program; and be it further

**Sec. 8. Final report. Resolved:** That, no later than November 5, 2014, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 127th Legislature.

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

**TAX**

**LD 1509, Part AA**

**Nonprofit Tax Review Task Force**

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**PART W**

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**Sec. W-1. Attrition savings.** Notwithstanding any other provision of law, the attrition rate for the 2014-2015 biennium is increased from 1.6% to 6% for judicial branch and executive branch departments and agencies only. The attrition rate for subsequent biennia is 1.6%.

6

**PART X**

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**Sec. X-1. 5 MRSA §933, sub-§1, ¶O**, as amended by PL 2011, c. 1, Pt. F, §1, is further amended to read:

9

O. Director, Division of Agricultural Resource Development; ~~and~~

10

11

**Sec. X-2. 5 MRSA §933, sub-§1, ¶P**, as enacted by PL 2009, c. 552, §6, is amended to read:

12

P. Director, Division of Animal and Plant Health; ~~and~~

13

**Sec. X-3. 5 MRSA §933, sub-§1, ¶Q** is enacted to read:

14

Q. Assistant to the Commissioner for Public Information.

15

**PART Y**

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**Sec. Y-1. 7 MRSA §3153-D**, as amended by PL 2011, c. 625, §2 and c. 690, §1, is further amended to read:

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**§3153-D. Transfer of revenues**

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On or before the 18th day of each month, the administrator of the Maine Milk Pool shall subtract the amount in the Maine Milk Pool, Other Special Revenue Funds account that is available for distribution for dairy stabilization support from the total amount to be distributed for the previous month pursuant to section 3153-B and certify this amount to the State Controller, who shall transfer the certified monthly amount when certified from General Fund undedicated revenue to the ~~Maine Milk Pool~~ Maine Dairy Farm Stabilization Fund, Other Special Revenue Funds account.

26

**PART Z**

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**Sec. Z-1. Transfer to budget stabilization fund.** The State Controller shall transfer \$4,000,000 to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532 from the unappropriated surplus of the General Fund no later than June 30, 2015.

31

**PART AA**

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**Sec. AA-1. Nonprofit Tax Review Task Force established.** The Commissioner of Administrative and Financial Services or the commissioner's designee



1 shall establish the Nonprofit Tax Review Task Force, referred to in this Part as "the task  
2 force."

3 **Sec. AA-2. Task force membership.** Notwithstanding Joint Rule 353, the task  
4 force consists of the following 9 members:

5 1. The Commissioner of Administrative and Financial Services or the  
6 commissioner's designee, who serves as chair of the task force;

7 2. Two members of the Joint Standing Committee on Appropriations and Financial  
8 Affairs appointed by the committee chairs;

9 3. Two members of the Joint Standing Committee on Taxation appointed by the  
10 committee chairs; and

11 4. Four members representing interested parties, including a representative of the  
12 Maine Association of Nonprofits, a representative of the Maine Municipal Association  
13 and 2 representatives of other interested parties appointed by the Governor from a list of  
14 names suggested by the Speaker of the House of Representatives and the President of the  
15 Senate.

16 **Sec. AA-3. Convening of the task force.** The task force shall convene no later  
17 than September 1, 2013.

18 **Sec. AA-4. Duties.** The task force shall evaluate the feasibility and desirability of  
19 identifying parameters and a process for imposing a temporary assessment on certain  
20 nonprofit organizations that will generate approximately \$100,000,000 in revenue  
21 annually. The task force shall consider how other cities and states treat nonprofit  
22 organizations for purposes of service charges, payments in lieu of taxes and property  
23 taxes. The task force shall prepare a report that must include recommendations, including  
24 the following:

25 1. An identification of certain nonprofit organizations on which the assessment will  
26 be imposed;

27 2. A value basis for the assessment that includes all land, buildings and equipment  
28 held by certain nonprofit organizations;

29 3. A method for calculating the amount of the assessment to be imposed on certain  
30 nonprofit organizations that includes a mechanism to provide adjustments for nonprofit  
31 organizations with fixed assets that are disproportionate to the size of the nonprofit  
32 organization's operating budget;

33 4. A method for crediting against the temporary assessment any payment in lieu of  
34 taxes that is being paid by a nonprofit organization; and

35 5. A process to transfer the assessment revenue to municipalities.

36 **Sec. AA-5. Staff assistance.** The Department of Administrative and Financial  
37 Services shall provide staffing services to the task force.

38 **Sec. AA-6. Legislation.** The Commissioner of Administrative and Financial  
39 Services shall submit the task force's report, including any necessary implementing  
40 legislation, to the Joint Standing Committee on Appropriations and Financial Affairs and

1 the Joint Standing Committee on Taxation no later than December 1, 2013. The Joint  
2 Standing Committee on Appropriations and Financial Affairs may submit a bill related to  
3 the report to the Second Regular Session of the 126th Legislature.

4 **PART BB**

5 **Sec. BB-1. Judicial compensation; fiscal years 2013-14 and 2014-15.**  
6 Notwithstanding the Maine Revised Statutes, Title 4, section 4, the State Court  
7 Administrator shall adjust upward the salaries of the State's chief justices, chief judge,  
8 deputy chief judge, associate justices and associate judges by 3% on July 1, 2013 and by  
9 3% on July 1, 2014.

10 **PART CC**

11 **Sec. CC-1. 22 MRSA §3024, first ¶,** as amended by PL 2013, c. 113, §3, is  
12 further amended to read:

13 The salary of the Chief Medical Examiner of the State must be set by the Governor.  
14 Other nonsalaried medical examiners and nonsalaried medicolegal death investigators,  
15 upon the submission of their completed report to the Chief Medical Examiner, must be  
16 paid a fee of up to ~~\$70~~ **\$85** for an inspection and view and are entitled to receive travel  
17 expenses to be calculated at the mileage rate currently paid to state employees pursuant to  
18 Title 5, section 8. An additional fee of \$50 may be authorized by the Chief Medical  
19 Examiner for payment to other nonsalaried medical examiners and nonsalaried  
20 medicolegal death investigators for visits to death scenes other than hospitals.

21 **PART DD**

22 **Sec. DD-1. 5 MRSA §1582, sub-§4,** as amended by PL 2011, c. 657, Pt. X, §2, is  
23 further amended to read:

24 **4. Use of savings; personal services funds.** Savings accrued from unused funding  
25 of employee benefits may not be used to increase services provided by employees.  
26 Accrued salary savings generated within an appropriation or allocation for Personal  
27 Services may be used for the payment of nonrecurring Personal Services costs only  
28 within the account where the savings exist. Accrued savings generated from vacant  
29 positions within a General Fund account's appropriation for Personal Services may be  
30 used to offset Personal Services shortfalls in other General Fund accounts that occur as a  
31 direct result of Personal Services appropriation reductions for projected vacancies, and  
32 accrued savings generated within a Highway Fund account's allocations for Personal  
33 Services may be used to offset Personal Services shortfalls in other Highway Fund  
34 accounts that occur as a direct result of Personal Services allocation reductions for  
35 projected vacancies; except that the transfer of such accrued savings is subject to review  
36 by the joint standing committee of the Legislature having jurisdiction over appropriations  
37 and financial affairs. Costs related to acting capacity appointments and emergency,  
38 unbudgeted overtime for which it is impractical to budget in advance may be used with  
39 the approval of the appointing authority. Other actions such as retroactive compensation  
40 for reclassifications or reallocations and retroactive or one-time settlements related to

**TAX**

**LD 1509, Part S**

**Tax Expenditure Review Task Force**

1741, for the system. In accordance with Title 5, ~~section 1665, subsection 5 and~~ Title 5, section 1742-C, subsection 3, the system's public improvements budget must be developed with the advice and assistance of the Bureau of General Services and must represent the capital improvement priorities within the system;

## PART S

**Sec. S-1. Tax Expenditure Review Task Force established.** Notwithstanding Joint Rule 353, the Tax Expenditure Review Task Force, referred to in this Part as "the task force," is established.

**Sec. S-2. Task force membership.** The task force consists of 13 members as follows:

1. Six members appointed by the President of the Senate, including one Senator from each of the 2 parties holding the largest number of seats in the Legislature; 2 persons who are economists, tax experts or representatives of the business sector; a person who possesses expertise in the area of the state budget process; and a person who possesses expertise in the area of municipal budgeting and property taxes;

2. Six members appointed by the Speaker of the House, including one member of the House of Representatives from each of the 2 parties holding the largest number of seats in the Legislature; 2 persons who are economists, tax experts or representatives of the business sector; a person representing a business enterprise; and a person representing the general public; and

3. The Commissioner of Administrative and Financial Services or the commissioner's designee.

The President of the Senate and the Speaker of the House shall coordinate their appointments to avoid duplication.

**Sec. S-3. Chairs.** The first-named member of the Senate is the Senate chair and the first-named member of the House of Representatives is the House chair of the task force.

**Sec. S-4. Appointments; convening; meetings.** All appointments must be made no later than 30 days following the effective date of this Part. The appointing authorities shall notify the Executive Director of the Legislative Council when all appointments have been made. When the appointment of all members has been completed, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this Part a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business. The task force may meet up to 6 times to conduct its business.

**Sec. S-5. Duties.** The task force shall:

1. Examine tax expenditures as defined in the Maine Revised Statutes, Title 36, section 199-A and evaluate specific tax expenditures that provide a direct benefit to business as a catalyst for economic growth or that exempt property from municipal taxation;

1           2. Review best practices and standardized criteria used by other states for measuring  
2 the effectiveness of tax expenditures;

3           3. Determine the purpose of each tax expenditure identified by the task force for  
4 evaluation and the data required to measure the economic impact of each tax expenditure,  
5 including, but not limited to, revenue loss compared to economic gain, jobs created or  
6 retained and administrative burden for taxpayers and the State;

7           4. Prioritize tax expenditures and give highest priority to those tax expenditures that  
8 reduce the tax burden on necessities of life, that avoid pyramiding of taxes or that are  
9 essential to Maine's economic growth and job creation;

10          5. Develop a process, including a time frame and criteria, for ongoing evaluation of  
11 tax expenditures that may include the establishment of an independent commission, tax  
12 expenditure budgets, tax expenditure caps and sunset reviews; and

13          6. Recommend the repeal or reduction of tax expenditures to achieve a savings of at  
14 least \$40,000,000.

15          **Sec. S-6. Staff assistance.** The Legislative Council shall provide necessary  
16 staffing services to the task force, including from the Office of Program Evaluation and  
17 Government Accountability and the Office of Fiscal and Program Review. The presiding  
18 officers shall request the assistance of the Department of Administrative and Financial  
19 Services, Maine Revenue Services in providing information and expertise to facilitate the  
20 work of the task force.

21          **Sec. S-7. Report.** By December 4, 2013, the task force shall submit a report that  
22 includes findings and recommendations, including any necessary implementing  
23 legislation, to the Joint Standing Committee on Appropriations and Financial Affairs. The  
24 Joint Standing Committee on Appropriations and Financial Affairs may submit a bill  
25 related to the report to the Second Regular Session of the 126th Legislature.

26          **Sec. S-8. Contingent reduction to municipal revenue sharing.**  
27 Notwithstanding any provision of law to the contrary, if legislation pursuant to this Part is  
28 not enacted into law before July 1, 2014 that generates an increase in budgeted General  
29 Fund revenue of at least \$40,000,000 as estimated by the Office of Fiscal and Program  
30 Review, the amount transferred from the Local Government Fund to the General Fund  
31 under the Maine Revised Statutes, Title 30-A, section 5681, subsection 5-C in fiscal year  
32 2014-15 is increased by \$40,000,000.

33          **Sec. S-9. Fiscal year 2013-14 year-end unappropriated surplus, 4th**  
34 **priority transfer.** The State Controller shall at the close of the fiscal year ending June  
35 30, 2014, as the next priority after the transfers authorized pursuant to the Maine Revised  
36 Statutes, Title 5, sections 1507, 1511 and 1522 and after all required deductions of  
37 appropriations, budgeted financial commitments and adjustments considered necessary  
38 by the State Controller have been made, transfer from the available balance of the  
39 unappropriated surplus of the General Fund up to \$40,000,000 to the Local Government  
40 Fund by offsetting the amount of the reduction in that fund on a monthly basis pursuant to  
41 the Maine Revised Statutes, Title 30-A, section 5681, subsection 5-C.

**VLA**

**LD 1222**

**Task Force to Study Maine's  
Governmental Ethics  
and Transparency Laws**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

S.P. 420 - L.D. 1222

**Resolve, To Create a Task Force on Maine's Ethics and Transparency Laws**

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

**Whereas,** this resolve establishes the Task Force To Study Maine's Governmental Ethics and Transparency Laws; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1. Task force established. Resolved:** That the Task Force To Study Maine's Governmental Ethics and Transparency Laws, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

1. Five members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
2. Six members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and
3. Two members of the executive branch who are employed in major policy-influencing positions, appointed by the Governor.

The task force shall seek input and information from the Executive Director of the Commission on Governmental Ethics and Election Practices, the chair of the Right To Know Advisory Committee and the Attorney General; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall review the State's laws concerning governmental ethics and transparency, including but not limited to laws governing financial disclosure for the legislative and executive branches, conflicts of interest, lobbyist disclosure and public records access, and shall recommend any changes it determines appropriate. In conducting its review, the task force shall examine the laws in effect in other states, information and recommendations provided by public policy organizations and information provided by the public; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force; and be it further

**Sec. 7. Report. Resolved:** That, no later than December 4, 2013, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Veterans and Legal Affairs. After receipt and review of the report, the joint standing committee may submit a bill implementing the recommendations to the Second Regular Session of the 126th Legislature.

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



**AFA**

**LD 1105**

**Downtown Revitalization Fund Board  
(on-going)**


1        19.

2        Downtown Revitalization Fund                      Expenses Only                      5 MRSA §13075-A  
3        Board

4                **Sec. B-2. 5 MRSA §13075-A** is enacted to read:

5        **§13075-A. Downtown Revitalization Fund**

6                **1. Fund established.** The Downtown Revitalization Fund, referred to in this section  
7        as "the fund," is established.

8         **2. Board.** The Downtown Revitalization Fund Board, established in section  
9        12004-F, subsection 19 and referred to in this section as "the board," shall oversee the  
10        fund. The term of a board member is 2 years. The board is composed of 9 members as  
11        follows:

12                A. Two members of the Senate, appointed by the President of the Senate;

13                B. Two members of the House of Representatives, appointed by the Speaker of the  
14        House of Representatives;

15                C. One member appointed by the Governor;

16                D. One member representing postsecondary educational institutions, appointed by  
17        the Governor;

18                E. One member who is a representative of the Finance Authority of Maine;

19                F. One member who is a representative of a small business development center; and

20                G. One member who is a representative of the Maine State Chamber of Commerce  
21        or its successor organization.

22        The board may elect a chair from its membership.

23                **3. Sources of funds.** The fund may accept funds from appropriations, allocations,  
24        bond proceeds, donations and principal and interest payments derived from loans made  
25        from the fund.

26                **4. Purpose.** The board shall disburse loans and grants from the fund to encourage  
27        business development in downtown areas, targeting innovative businesses, light  
28        manufacturing, trades and small businesses and space for artists and artisans.  
29        Administrative expenses of the fund must be paid from the proceeds of the fund.

30                **5. Administration.** The board shall administer the fund with staff support from the  
31        Office of Community Development. The board shall adopt criteria for the administration  
32        of loans and grants from the fund to carry out the purpose of the fund under subsection 4,  
33        including the application process, recipient qualifications and terms and conditions of  
34        loans and grants disbursed by the fund. A loan from the fund must be matched by the  
35        recipient of the loan in the amount of \$1 from the recipient for every \$2 loaned from the  
36        fund to the recipient.

6. Nonlapsing. Any funds remaining in the fund at the end of a fiscal year do not lapse but carry forward to the next fiscal year.

**Sec. B-3. Contingent effective date.** This Part takes effect only if the General Fund bond issue proposed in Part A is approved by the voters of this State.

## SUMMARY

The funds provided by this bond issue, in the amount of \$10,000,000, will be used as seed money to capitalize the Downtown Revitalization Fund, a revolving loan and grant fund to encourage business development in downtown areas, targeting innovative businesses, light manufacturing, trades and small businesses and space for artists and artisans. The Downtown Revitalization Fund is administered by a board consisting of public and private members and issues loans that must be matched by \$1 from the recipient for every \$2 received from the fund and issues grants.

**EDU**

**LD 963**

**Commission on Expanding Early  
Postsecondary Access for High School  
Students (on-going)**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 677 - L.D. 963

An Act To Expand Access to Early Postsecondary Education

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

Sec. 1. 5 MRSA §12004-C, sub-§9 is enacted to read:

9.

Commission on Expanding  
Early Postsecondary Access for  
High School Students

Legislative Per Diem  
and Expenses

20-A MRSA §4777

Sec. 2. 20-A MRSA §4771, as amended by PL 2007, c. 240, Pt. VVV, §1, is repealed and the following enacted in its place:

**§4771. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Eligible institution.** "Eligible institution" means institutions of the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

**2. Secondary school student.** "Secondary school student" means a student who is a Maine resident and is:

A. Enrolled in a public secondary school;

B. Enrolled in an adult education program as defined in section 8601-A, subsection 1;

C. Participating in an approved home instruction program pursuant to section 5001-A, subsection 3, paragraph A, subparagraph (4); or

D. Enrolled in a private school approved for the receipt of public funds pursuant to section 2951.

3. Semester. "Semester" means the fall, spring or summer term of an academic year.

**Sec. 3. 20-A MRSA §4772**, as amended by PL 2005, c. 519, Pt. XX, §§1 to 3, is repealed.

**Sec. 4. 20-A MRSA §4772-A**, as amended by PL 2005, c. 519, Pt. XX, §4, is repealed.

**Sec. 5. 20-A MRSA §4772-B** is enacted to read:

**§4772-B. Postsecondary courses; student eligibility**

**1. Student eligibility.** A secondary school student may be eligible to receive state subsidy for postsecondary courses as specified in section 4775 if all the requirements of subsection 2 are satisfied and the student:

A. Is enrolled in grade 11 or higher in the student's school; or

B. Maintains a minimum secondary school grade point average of at least 3.0 on a scale of 4.0, or the equivalent of a "B" average, as determined by the school, unless the student has been granted a waiver by the eligible institution.

**2. Postsecondary courses.** A student that meets the criteria pursuant to subsection 1 may be eligible to receive state subsidy for postsecondary courses as specified in section 4775 as long as:

A. The eligible institution has space available for the secondary school student and not more than 1/3 of the students in a course are secondary school students;

B. The eligible institution has determined that the student has satisfactorily completed all course prerequisites;

C. The school administration approves;

D. The student's parent approves; and

E. The student has received a recommendation to take a postsecondary course or courses at an eligible institution from the student's school administration or one of the student's secondary school teachers following an assessment of the student by the school administration.

**Sec. 6. 20-A MRSA §§4774 and 4775**, as enacted by PL 1997, c. 758, §2, are amended to read:

**§4774. Credits**

**1. High school credit.** A school ~~administrative-unit~~ administration may grant academic credit toward a high school diploma to a student who successfully completes a course, including an online course, under this chapter. Prior to the student's enrollment in the course, the school administration shall inform the student of the extent to which credit will be awarded toward the high school diploma upon successful completion of the course.

2. **Postsecondary credit.** The eligible institution shall grant full credit to any student who successfully completes a course, including an online course, at the eligible institution under this chapter. The course must apply to graduation requirements at the eligible institution in which it was taken or be transferable to another eligible institution on an equal basis with a course taken by any other student at the eligible institution.

#### **§4775. Payment; appropriations**

The department shall pay 50% of the in-state tuition for the first ~~3~~ 6 credit hours taken each semester and up to 12 credit hours per academic year taken by a student eligible under section 4772-B at an eligible institution and up to 6 credit hours per academic year. The eligible institution may not make any additional tuition charges for ~~the course~~ those courses but may impose fees and charges, other than tuition, that are ordinarily imposed on students not covered by this chapter. The department may pay these fees and charges for a high school student eligible for free or reduced-price lunch. Funds appropriated to the department to carry out the purposes of this chapter must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools.

Sec. 7. 20-A MRSA §4776, as enacted by PL 2007, c. 240, Pt. VVV, §2, is amended to read:

#### **§4776. Distribution of available funding**

Not more than ~~40%~~ 5% of the total funding available to the department for postsecondary education, either through a direct appropriation for postsecondary education under this chapter or as part of the ongoing funds included in the appropriation for general purpose aid for local schools, may be used for secondary students to take a postsecondary course during the summer term.

Sec. 8. 20-A MRSA §4777 is enacted to read:

#### **§4777. Commission on Expanding Early Postsecondary Access for High School Students**

**1. Establishment; composition.** The Commission on Expanding Early Postsecondary Access for High School Students, established in Title 5, section 12004-C, subsection 9, referred to in this section as "the commission," consists of the following 20 members:

##### **A. Four ex officio members:**

- (1) The commissioner or the commissioner's designee;**
- (2) The Chancellor of the University of Maine System or the chancellor's designee;**
- (3) The President of the Maine Community College System or the president's designee; and**
- (4) The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee;**

B. Two Senators appointed by the President of the Senate;

C. Two members of the House of Representatives appointed by the Speaker of the House; and

D. The following 12 members, appointed by the Governor:

(1) Two representatives of private colleges or universities in the State;

(2) Two representatives of private nonprofit organizations that work on improving educational opportunities for Maine students;

(3) A representative of a statewide organization of student financial aid administrators;

(4) A representative of a statewide organization for college admissions administrators;

(5) A representative of a statewide organization of school boards;

(6) A representative of a statewide organization of school superintendents;

(7) A representative of a statewide organization of administrators of career and technical education;

(8) A representative of a statewide organization for adult education;

(9) A representative of a statewide organization of secondary school principals; and

(10) A representative of the Maine Education Association.

2. Terms; vacancy. The members of the commission appointed pursuant to subsection 1, paragraphs B and C serve 2-year terms concurrently with the legislative term. Members appointed pursuant to subsection 1, paragraph D serve for 3-year terms and serve until their successors are appointed. On the expiration of a term of any member appointed pursuant to subsection 1, paragraph D, a successor must be appointed to a 3-year term. A member of the commission is eligible for reappointment to the commission. A vacancy in the commission does not impair the right of a quorum of members to perform the duties of the commission. In the event of a vacancy occurring in the members appointed pursuant to subsection 1, paragraph D, the Governor shall appoint a replacement member for the remainder of the unexpired term in the same manner as the original appointment was made.

3. Duties. The commission shall develop strategies to expand access to early postsecondary opportunities for high school students in the State including:

A. Determining the availability of early postsecondary opportunities in the State's high schools and the approaches by which early postsecondary opportunities are made available to students;

B. Promoting and advocating for early postsecondary education programs across the State;

C. Coordinating cooperation between the secondary education school system and higher education communities;



D. Serving as a clearinghouse of best practices in early postsecondary education programming;

E. Establishing and overseeing an evaluation process of the early postsecondary programs; and

F. Making recommendations regarding funding to support the development and expansion of early postsecondary education programs.

4. Chair; vice-chair. The commissioner or the commissioner's designee is the chair of the commission. The commission shall elect from its membership a vice-chair who shall serve for a one-year term. The vice-chair serves until a successor is elected. The chair calls meetings of the commission and presides over meetings. The vice-chair serves as the chair in the absence of the chair.

5. Meetings; quorum; subcommittees. The commission shall meet at least 4 times each year. The chair shall establish meeting agendas. A quorum of the commission is 10 members. The commission may establish subcommittees of no fewer than 3 members.

6. Compensation. Members of the commission appointed pursuant to subsection 1, paragraphs B and C are entitled to legislative per diem as allowed under Title 5, section 12004-C, subsection 9 while engaged in commission activities. Members of the commission appointed pursuant to subsection 1, paragraph D are entitled to receive compensation for travel expenses as allowed under Title 5, section 12004-C, subsection 9 while engaged in commission activities.

7. Assistance. The department shall provide staff support to the commission.

8. Annual report. By January 15th annually, the commission shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters.

**Sec. 9. 20-A MRSA §8406** is enacted to read:

**§8406. Academic skills testing**

Assessment tests to determine college-level academic skills must be administered at an approved site. A career and technical education center shall provide an approved site for the test.

**Sec. 10. 20-A MRSA §13024, sub-§1, ¶C**, as amended by PL 2005, c. 662, Pt. A, §38, is further amended to read:

C. Personnel employed by or serving the school administrative unit as contracted service providers; and

**Sec. 11. 20-A MRSA §13024, sub-§1, ¶D**, as repealed and replaced by PL 2005, c. 662, Pt. A, §39, is amended to read:

D. Personnel for whom certification or authorization is not required prior to being hired or being placed under contract by a public school or an intermediate educational unit; and

**Sec. 12. 20-A MRSA §13024, sub-§1, ¶F** is enacted to read:

F. Personnel employed in a public school as instructors of postsecondary education courses pursuant to chapter 208-A that are offered in secondary schools.

**Sec. 13. Department of Education and Commission on Expanding Early Postsecondary Access for High School Students are directed to establish publicly accessible website on early postsecondary education programs.** The Department of Education and the Commission on Expanding Early Postsecondary Access for High School Students, as established in the Maine Revised Statutes, Title 5, section 12004-C, subsection 9, shall establish and maintain a single publicly accessible website that includes information on early postsecondary education programs and research regarding those programs as well as hyperlinks to those programs and the research.

**Sec. 14. Commission on Expanding Early Postsecondary Access for High School Students; staggered terms.** Notwithstanding the Maine Revised Statutes Title 20-A, section 4777, subsection 2, when appointing original members to the Commission on Expanding Early Postsecondary Access for High School Students, the Governor shall designate 4 members to serve a one-year term, 4 members to serve a 2-year term and 4 members to serve a 3-year term.

**HHS**

**LD 230**

**Commission on Healthcare Cost  
and Quality (on-going)**

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 191 - L.D. 230

An Act To Establish the Commission on Health Care Cost and Quality

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

Sec. 1. 3 MRSA c. 12 is enacted to read:

CHAPTER 12

COMMISSION ON HEALTH CARE COST AND QUALITY

§251. Commission on Health Care Cost and Quality

1. Appointment; composition. The Commission on Health Care Cost and Quality, established in Title 5, section 12004-G, subsection 14-I and referred to in this chapter as "the commission," consists of 13 members appointed pursuant to this subsection.

A. The President of the Senate shall appoint 5 members:

- (1) One individual to represent hospitals;
- (2) One individual with expertise in long-term care;
- (3) One individual with expertise in mental health;
- (4) One individual with expertise in public health care financing; and
- (5) One individual with expertise in health care delivery.

B. The Speaker of the House of Representatives shall appoint 4 members:

- (1) One representative of consumers of health care;
- (2) One individual with expertise in the health insurance industry;
- (3) One individual with expertise in business; and
- (4) One individual with expertise in health disparities, representing the State's racial and ethnic minority communities.

C. Four members of the commission must be members of the Legislature who serve on the joint standing committee of the Legislature having jurisdiction over health and

human services matters or the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters:

(1) Two members of the Senate appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and

(2) Two members of the House of Representatives appointed by the Speaker of the House, including one member recommended by the House Minority Leader.

Prior to making appointments to the commission, the President of the Senate and the Speaker of the House shall seek nominations from the public, from statewide associations representing hospitals, physicians and health care consumers and from individuals and organizations with expertise in health care delivery systems, health care financing, health care quality and public health.

2. Terms. Except for members who are Legislators, members of the commission serve 5-year terms. A member may not serve more than 2 consecutive terms. Members who are Legislators serve 2-year terms coterminous with their elected terms. Except for a member who is a Legislator, a member may continue to serve after expiration of the member's term until a successor is appointed.

3. Compensation. Members of the commission are entitled to compensation according to the provisions of Title 5, chapter 379. Members of the commission who are Legislators are entitled to receive the legislative per diem as defined in section 2 and reimbursement for travel for attendance at meetings of the commission.

4. Quorum. A quorum is a majority of the members of the commission.

5. Chair. The commission shall annually choose one of its members to serve as chair for a one-year term.

6. Meetings. The commission shall meet at least 4 times a year at regular intervals and may meet at other times at the call of the chair. Meetings of the commission are public proceedings as provided by Title 1, chapter 13, subchapter 1.

7. Duties; State Health Plan. The commission shall work in cooperation with the Department of Health and Human Services and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to implement the federal Centers for Medicare and Medicaid Services state innovation model grant. The commission shall develop and issue the biennial State Health Plan, referred to in this chapter as "the plan," in accordance with the requirements in section 252. The first plan must be issued by October 2015. In developing the plan, the commission shall undertake the following activities to the extent data and resources are available:

A. Collect and coordinate data on health systems development in the State;

B. Synthesize relevant research;

C. Conduct at least 2 public hearings on the plan each biennium;

D. Conduct a systemic review of cost drivers in the State's health care system, including, but not limited to, market failure, supply and demand for services, provider charges and costs, public and commercial payor policies, consumer behavior, cost

and pricing of pharmaceuticals and the need for and availability and cost of capital equipment and services;

E. Collect and report on health care cost indicators, including the cost of services and the cost of health insurance. The commission shall report on both administrative and service costs. These indicators must, at a minimum, include:

(1) The annual rate of increase in the unit cost, adjusted for case mix or other appropriate measure of acuity or resource consumption, of key components of the total cost of health care, including without limitation hospital services, surgical and diagnostic services provided outside of a hospital setting, primary care physician services, specialized medical services, the cost of prescription drugs, the cost of long-term care and home health care and the cost of laboratory and diagnostic services;

(2) The interaction of indicators, including, but not limited to, cost shifting among public and private payors and cost shifting to cover uncompensated care of persons unable to pay for items or services, and the effect of these practices on the total cost paid by all payment sources for health care;

(3) The administrative costs of health insurance and other health benefit plans, including the relative costliness of private insurance as compared to Medicare and MaineCare, and the potential for measures and policies that would tend to encourage greater efficiency in the administration of public and private health benefit plans provided to consumers in the State;

(4) Geographic distribution of services with attention to appropriate allocation of high-technology resources;

(5) Regional variation in quality and cost of services; and

(6) Overall growth in utilization of health care services;

F. Identify specific potential reductions in total health care spending without shifting costs onto consumers and without reducing access to needed items and services for all persons, regardless of individual ability to pay. In identifying specific potential reductions pursuant to this paragraph, the commission shall recommend methods to reduce the rate of increase in overall health care spending and the rate of increase in health care costs to a level that is equivalent to the rate of increase in the cost of living to make health care and health coverage more affordable for people in the State;

G. Review and evaluate strategies for payment reform in the State's health care system to assess whether proposed payment reform efforts follow the guiding principles described in section 252, subsection 2 and identify any statutory or regulatory barriers to implementation of payment reform;

H. Review pilot projects for payment reform submitted to the Department of Professional and Financial Regulation, Bureau of Insurance pursuant to Title 24-A, section 4320-H and assess whether the pilot projects follow the principles adopted by the commission; and

I. Beginning October 1, 2014 and annually thereafter, make specific recommendations relating to paragraphs A to F to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters and to any appropriate state agency.

8. Staff support. The Legislative Council shall provide staff support to the commission except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. The commission may invite the Department of Health and Human Services, Maine Center for Disease Control and Prevention; the Maine Health Data Organization; and other agencies of State Government to provide additional staff support or assistance to the commission. In addition, the commission may contract for administrative, professional and clerical services if funding permits.

9. Data. The commission may solicit health care cost and quality data and information from both the public and private sectors to help inform the commission's work, including, but not limited to, the Department of Health and Human Services, Maine Center for Disease Control and Prevention; the Maine Health Data Organization; the Maine Quality Forum, established in Title 24-A, section 6951; a statewide health care management association; and a statewide public health association.

10. Outside funding for commission activities. The commission may seek outside funds to provide staff support, consulting or other services to fund the costs of carrying out the duties and requirements of the commission. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the commission's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. Additional funding may be provided by the federal Centers for Medicare and Medicaid Services state innovation model grant for coordination with the Department of Health and Human Services on health care innovation and reform. The Executive Director of the Legislative Council shall administer any funds received by the commission.

#### §252. State Health Plan

1. Purpose. The State Health Plan developed by the commission must set forth recommendations for a comprehensive, coordinated approach to the development of health care facilities and resources in the State based on statewide cost, quality and access goals and strategies to ensure access to affordable health care, maintain a rational system of health care and promote the development of the health care workforce.

2. Requirements. The plan must:

- A. Assess health care cost, quality and access in the State;
- B. Develop benchmarks to measure health care cost, quality and access goals and report on progress toward meeting those goals;
- C. Recommend annual priorities among health care cost, quality and access goals;
- D. Recommend priorities for the capital investment needs of the health care system in the State;
- E. Outline strategies to:
  - (1) Promote health systems change;
  - (2) Address the factors influencing health care cost increases; and
  - (3) Address the major threats to public health and safety in the State, including, but not limited to, lung disease, diabetes, cancer and heart disease;
- F. Develop principles for payment reform strategies that:
  - (1) Support integrated, efficient and effective systems of health care delivery and payment;
  - (2) Promote a patient-centered approach to the payment and delivery of health care services;
  - (3) Encourage and reward the prevention and management of disease;
  - (4) Promote the quality of care over volume of care to measurably lower costs; and
  - (5) Support payments and processes that are transparent, easy to understand and simple to administer for patients, providers, purchasers and other stakeholders; and
- G. Provide recommendations to help purchasers and providers make decisions that improve public health and build an affordable, high-quality health care system.

**Sec. 2. 5 MRSA §12004-G, sub-§14-I is enacted to read:**

**14-I.**

<u>Health Care</u>	<u>Commission on</u>	<u>Expenses and</u>	<u>3 MRSA §251</u>
	<u>Health Care Cost</u>	<u>Legislative Per</u>	
	<u>and Quality</u>	<u>Diem</u>	

**Sec. 3. 24-A MRSA §4320-H, sub-§1, ¶B, as reallocated by RR 2011, c. 1, §43, is amended to read:**

- B. Prior to approving a pilot project, the superintendent shall consider whether the proposed pilot project is consistent with the principles for payment reform developed by the Advisory Council on Health Systems Development established under former Title 2, section 104 and the Commission on Health Care Cost and Quality established in Title 3, section 251.



Sec. 4. 24-A MRSA §6951, sub-§8-A is enacted to read:

8-A. State Health Plan. The forum shall make recommendations for inclusion in the State Health Plan described in Title 3, section 252, including recommendations based on the technology assessment reviews under subsection 6.

Sec. 5. 24-A MRSA §6952, sub-§7, ¶D, as amended by PL 2011, c. 90, Pt. J, §24, is further amended to read:

D. Make recommendations regarding quality assurance and quality improvement priorities for inclusion in the State Health Plan described in Title 3, section 252; and

Sec. 6. **Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 3, section 251, subsection 2, the initial appointments of members of the Commission on Health Care Cost and Quality who are not Legislators must include 3 members appointed by the President of the Senate to 3-year terms, 2 members appointed by the Speaker of the House of Representatives to 4-year terms, 2 members appointed by the President of the Senate to 5-year terms and 2 members appointed by the Speaker of the House of Representatives to 5-year terms. The Executive Director of the Legislative Council shall call the first meeting of the commission as soon as all appointments are made.

Sec. 7. **Appropriations and allocations.** The following appropriations and allocations are made.

#### LEGISLATURE

##### Legislature 0081

Initiative: Provides funds for the legislative per diem and expenses of members of the Commission on Health Care Cost and Quality and other miscellaneous commission expenses.

GENERAL FUND	2013-14	2014-15
Personal Services	\$4,290	\$4,290
All Other	\$5,960	\$5,960
GENERAL FUND TOTAL	<u>\$10,250</u>	<u>\$10,250</u>

##### Legislature 0081

Initiative: Provides funding for contracted staffing and clerical support for the Commission on Health Care Cost and Quality.

GENERAL FUND	2013-14	2014-15
All Other	\$34,878	\$35,572
GENERAL FUND TOTAL	<u>\$34,878</u>	<u>\$35,572</u>

##### Legislature 0081

Initiative: Provides a base allocation to authorize expenditures of any outside funding received to fund the activities of the Commission on Health Care Cost and Quality.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>
LEGISLATURE		
DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	\$45,128	\$45,822
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	<u>\$45,628</u>	<u>\$46,322</u>

**CJPS**

**HP 1132**

**Blue Ribbon Commission to Study the  
State Board of Corrections and the  
Unified County Corrections System**

## STATE OF MAINE

In House \_\_\_\_\_

**ORDERED**, the Senate concurring, that, notwithstanding Joint Rule 353, the Blue Ribbon Commission To Study the State Board of Corrections and the Unified County Corrections System, referred to in this order as "the commission," is established as follows.

**1. Membership.** The commission consists of the following members:

- A. Three county commissioners, one of whom is appointed by the President of the Senate and 2 of whom are appointed by the Speaker of the House of Representatives from a list of 5 county commissioners submitted by the Maine County Commissioners Association;
- B. Three county administrators, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 5 county administrators submitted by the Maine Association of County Administrators and Managers;
- C. Two jail administrators, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 4 jail administrators submitted by the Maine Jail Administrators Association;
- D. Two sheriffs, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 4 sheriffs submitted by the Maine Sheriffs Association; and
- E. A member of the public, appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

The President of the Senate and the Speaker of the House of Representatives shall invite the Commissioner of Corrections, or the commissioner's designee, and the chair of the State Board of Corrections to participate as members.

**2. Chair.** The public member appointed pursuant to subsection 1, paragraph F serves as chair of the commission.

**3. Appointments; convening.** All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. When the appointment of all members has been completed, the chair shall call and convene the first meeting of the commission. If 30 days or more after passage of this order a majority of but not all appointments have been made, the chair may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**4. Duties.** The commission shall:

- A. Review the current structure of the county jail corrections system, including but not limited to its source of revenues, the predictability of costs and revenues and strengths and weaknesses of the current system, in order to determine methods for long-term sustainability of funding, best practices and necessary processes;
- B. Review and propose revisions, if necessary, to the mission and authority of the State Board of Corrections; and

C. Clarify the structure and authority of the unified system of corrections and the State Board of Corrections and develop recommendations to strengthen centralization of the system and control and coordination of operations.

**5. Staff assistance.** The Legislative Council may seek the provision of staffing services from a nonlegislative entity, including the Maine County Commissioners Association. The Legislative Council may not incur any costs for staffing services provided pursuant to this subsection.

**6. Outside funding.** The commission shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the passage of this order, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

**7. Report.** No later than December 4, 2013, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety.

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

(Representative DION)

**TOWN:** Portland