

MAINE STATE LEGISLATURE

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REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

**126th Legislature
Legislative Council**

**Tuesday, April 15, 2014
2:00 PM**

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE MARCH 27, 2014 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
	<ul style="list-style-type: none">Executive Director's Report (Mr. Boulter) (No Report)Fiscal Report (Mr. Pennoyer) (No Report)	
	REPORTS FROM COUNCIL COMMITTEES	
	<ul style="list-style-type: none">Personnel Committee (No Report)State House Facilities Committee (No Report)	
	OLD BUSINESS	
10	Item #1: Council Actions Taken By Ballot (No Action Required)	Information

NEW BUSINESS

11	Item #1:	Consideration of After Deadline Bill Requests	Roll Call Vote
❖ 11A	Item #2:	Suggested Purchase of Portrait of former Supreme Court Justice Glassman (Administrative Office of the Courts)	Decision
12	Item #3:	Consideration of Legislative Study Requests	
14		<ul style="list-style-type: none">• Suggested Protocol for Considering Proposed Studies	Decision
15		<ul style="list-style-type: none">• Consideration of Proposed Legislative Studies	Roll Call Vote
	Item #4:	Executive Session (if needed)	

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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**LEGISLATIVE COUNCIL
MEETING SUMMARY
March 27, 2014**

CALL TO ORDER

Legislative Council Chair Mark Eves called the March 27, 2014 Legislative Council meeting to order at 2:53 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Alfond, Senator Jackson, Senator Haskell 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:	David E. Boulter, Executive Director of the Legislative Council Millicent MacFarland, Clerk of the House Robert Hunt, Assistant Clerk of the House Dawna Lopatosky, Legislative Finance Director John Barden, Director, Law and Legislative Reference Library Scott Clark, Director, Legislative Information Technology Marion Hylan Barr, Director, Office of Policy and Legal Analysis Grant Pennoyer, Director, Office of Fiscal and Program Review Suzanne Gresser, Revisor of Statutes

Speaker Eves convened the meeting at 2:53 p.m. with a quorum of members present.

Legislative Council Chair Eves asked if there was any objection to taking an item out of order. There was no objection. The Chair then moved to **New Business, Item 1.**

NEW BUSINESS

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

Representative Fredette noted that the legislative session is drawing to a close and that he has concerns about authorizing additional bills for introduction this late in the session. He asked the chair for direction about new bills. Legislative Council Chair Speaker Eves responded that the presiding officers intend for the committees to be done with the majority of their work this week and have authorized committees to meet next Tuesday and Wednesday to finish remaining bills. He concluded saying he believed the bar is extremely high for introduction of new bills at this point in the session.

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 22 bill requests, all failed to be authorized by the Legislative Council. Of the 3 joint resolutions, all failed to be authorized by the Legislative Council. The Legislative Council's actions on the requests are included on the attached list.

The Legislative Council then returned to the other items on its agenda.

SUMMARY OF FEBRUARY 27, 2014 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for February 27, 2014 be accepted and placed on file. Motion by President Alford. Second by Senator Haskell. **Motion passed unanimous (7-0-0-3, with Senator Jackson and Representatives Berry and Willette absent).**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

1. Copper Dome Replacement

Work has begun on the copper dome replacement project. The stair tower is being erected on the southwest side of the State House, to be followed by erection of staging on the roof to the height of the statue. Actual roofing work is scheduled to begin in April once weather conditions allow. The project should be completed by November 2014.

Fiscal Report

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

Revenue Update

Total General Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$99.2	\$110.0	\$10.8	10.9%	\$112.1	-1.9%
FYTD	\$1,748.3	\$1,765.0	\$16.7	1.0%	\$1,719.4	2.7%

General Fund revenue was over budget by \$10.8 million (10.9%) in February and \$16.7 million (1.0%) for the fiscal year through February. These variances through February do not yet reflect the \$0.2 million reduction to FY 2014 General Fund revenue in the March 2014 revenue forecast. The March monthly revenue report will reflect a new monthly distribution resulting from the March forecast.

Positive variances related to refunds in the Individual Income Tax (\$22.9 million) and Corporate Income Tax (\$5.3 million) generated February's positive variance. Within the Individual Income Tax, this slower refund processing helped offset an unexplained \$9.9 million negative variance in income tax withholding during February.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
February	\$25.0	\$25.5	\$0.5	2.0%	\$25.3	0.7%
FYTD	\$190.2	\$195.1	\$4.9	2.6%	\$196.7	-0.8%

Highway Fund revenue was over budget by \$0.5 million (2.0%) in February and \$4.9 million (2.6%) for the fiscal year through February. The Fuel Taxes category was under budget for February, due to a \$0.9 million negative variance from Special Fuel and Road Use Taxes. The Gasoline Tax portion continued to exceed budget and was over budget by \$3.4 million through February. The March revenue forecast increased budgeted revenue from the Gasoline Tax by \$2.0 million in FY 2014. After adjusting for that upward revision, the Gasoline Tax will still have a sizeable surplus to provide a cushion against future negative variances.

Cash Update

Average cash balances in FY 2014 through February continued to exceed last fiscal year's balances, both for the total cash pool and the General Fund. Strong performances during the past fall in the Sales and Use Tax and Individual Income Tax estimated payments and the change in the Circuitbreaker program to an income tax credit, the Property Tax Fairness Credit, which delayed these similar reimbursements/credits until the second half of the fiscal year, helped to offset the negative cash flow effects of the \$98.5 million one-day borrowing to balance the FY 2014 General Fund budget.

Highway Fund balances have nearly recovered to last year's levels in February after a significant drop in December due to the change to a single annual payment for the \$23 million Local Road Assistance program, which is now paid by December 1st each year.

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 the February 27, 2013 Council Meeting

Requests for Introduction of Legislation:

LR 2823 An Act to Amend the Outcome-based Forestry Experimental Program

Submitted by: Representative Jeff McCabe
Approved: February 27, 2014 Vote: 6-3-1-0 in favor (with Senator Thibodeau and Representatives Fredette and Willette opposed, and Senator Katz abstaining)

LR 2829 An Act to Require the Licensure of Scrap Metal Recyclers

Submitted by: Representative Thomas Longstaff
Approved: March 11, 2014 Vote: 9-1-0-0 in favor (with Senator Thibodeau opposed)

LR 2836 An Act to Correct an Error in the Permitting Process by the Department of Environmental Protection

Submitted by: Senator Troy Jackson
Approved: March 13, 2014 Vote: 10-0 in favor

LR 2823 An Act to Clarify Outcome-based Forestry

Submitted by: Senator James Boyle
Approved: March 19, 2014 Vote: 10-0 in favor

Legislative Council Decision:

That the Legislative Council authorize legislative budget adjustments in the FY2014-2015 biennium by lapsing a total of \$2,250,000 from unspent balances in legislative accounts to the General Fund not later than June 30, 2015 and convey its decision to the Joint Standing Committee on Appropriations and Financial Affairs. 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 bill authorized pursuant to Joint Order HP 1284.

Motion by: Senator Justin Alford
Second by: Representative Mark Eves
Approved: March 20, 2014 Vote: 10-0 in favor

NEW BUSINESS

Items #2 through 4: Submission of Reports

President Alfond recommended that the following reports (New Business Items #2, #3 and #4) be considered as a group. The following reports have been submitted to the Legislative Council for acceptance:

- Submission of the Final Report of the Forensic Mental Health Services Oversight Committee (March 2014)
- Submission of the Report of the Maine State Revenue Forecasting Committee (March 2014)
- Submission of the ninth Annual Report of the Citizen Trade Policy Commission (March 2014)

Motion: That the Legislative Council accept and place on file the above noted reports. Motion by President Alfond. Second by Representative McCabe. **Motion passed unanimous** (7-0-0-3, with Senator Jackson, and Representatives Berry and Fredette absent).

ANNOUNCEMENTS AND REMARKS

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 3:36 p.m.

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**126th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
Second Regular Session
As of: 3/27/2014**

SPONSOR: Rep. Benjamin M. Chipman

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2883	- Resolve, To Require the Analysis of the Distribution of Funding within the University of Maine System	- FAILED 3/27/14

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2884	- An Act To Establish a Surcharge on Fines and Penalties Imposed for Violations of Drug-related Crimes To be Used for Prevention and Treatment of Substance Abuse Addiction	- FAILED 3/27/14

SPONSOR: Rep. Peter B. Johnson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2880	- An Act To Amend the Laws Governing the Superintendents' Agreement Process Regarding the Transfer of Students	- FAILED 3/27/14

SPONSOR: Rep. Allen M. Nadeau

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2878	- An Act To Amend the Method of Adjustments to Valuation for Sudden and Severe Disruptions	- FAILED 3/27/14

SPONSOR: Rep. Stanley Byron Short, Jr.

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2863	- An Act To Define the Term "Solicitor" as It Pertains to the Gathering of Signatures for an Initiative Petition	- FAILED 3/27/14

2864	- An Act To Create Fairness in the Ballot Initiative Process for Wildlife Policies	FAILED 3/27/14
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SPONSOR: Rep. Madonna M. Soctomah

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2868	- An Act To Allow a Portion of the Annual Quota of Elver Fishery Landings Allocated to the Passamaquoddy Tribe To Be Fished as a Group Quota	- FAILED 3/27/14
2886	- An Act To Impose a Moratorium on the Operation of Casinos and Table Games in the State until the Adoption by the State of a Comprehensive Plan for Gaming	- FAILED 3/27/14

SPONSOR: Rep. Alexander R. Willette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2881	- An Act To Implement the Electronic Registration Information Center	- FAILED 3/27/14

JOINT RESOLUTION

SPONSOR: Rep. Michael Gilbert Devin

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2876	- JOINT RESOLUTION MEMORIALIZING THE FEDERAL DRUG ADMINISTRATION TO RECONSIDER ITS APPROVAL OF THE DRUG ZOXYDOL	- FAILED 3/27/14

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Pres. Justin L. Alfond

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2706	- An Act To Disclose the Status of School Construction Projects	- Tabled 01/23/14 FAILED 3/27/14

SPONSOR: Rep. H. David Cotta

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2767	- An Act To Provide a Means To Recover Costs for Damages to Discontinued or Abandoned Roads	- Tabled 02/27/14 FAILED 3/27/14

SPONSOR: Rep. Sara Gideon

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2817	- An Act To Provide for More Comprehensive Natural Gas Infrastructure Construction Standards	- Tabled 02/27/14 FAILED 3/27/14

SPONSOR: Rep. Anne P. Graham

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2754	An Act Concerning Certain Issues Related to Recommendations of the Subcommittee on Abandoned and Discontinued Roads	Tabled 01/23/14 FAILED 3/27/14

SPONSOR: Sen. Troy D. Jackson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2699	An Act To Amend the Process for Pursuing Small Claims in Court	Tabled 01/23/14 FAILED 3/27/14

SPONSOR: Sen. John L. Tuttle, Jr

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2726	An Act To Allow a Second Liquor Store in Certain Towns	Tabled 01/23/14 FAILED 3/27/14

SPONSOR: Rep. Alexander R. Willette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2702	An Act To Increase the Penalty for an Assault on a Health Care Worker	Tabled 01/23/14 FAILED 3/27/14

SPONSOR: Rep. Kenneth W. Fredette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2509	An Act To Expand the Maine New Markets Capital Investment Program	Tabled 11/21/13 FAILED 3/27/14

SPONSOR: Sen. Stanley J. Gerzofsky

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2506	An Act Regarding the Involuntary Medication of an Inmate at a Correctional Facility	Tabled 11/21/13 FAILED 3/27/14

SPONSOR: Rep. Jeff M. McCabe

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2524	An Act To Clarify County Jail Debt Financing	Tabled 10/31/13 FAILED 3/27/14

SPONSOR: Rep. Robert J. Saucier

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2477	An Act To Restore Confidence in Maine Campaign Finance Laws	Tabled 11/21/13 FAILED 3/27/14

SPONSOR: Rep. Michael A. Shaw

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2248	An Act To Enhance Freedom of Access	Tabled 11/21/13 FAILED 3/27/14

SPONSOR: Rep. Corey S. Wilson

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2374	An Act To Grant the State Board of Corrections Authority To Approve Wages, Benefits and Budgets for Correctional Facilities	Tabled 11/21/13 FAILED 3/27/14

JOINT RESOLUTION

SPONSOR: Rep. Justin Mark Chenette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2458	JOINT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECONSIDER ITS DEFERRAL ON BLOOD DONATIONS FROM GAY MEN	Tabled 01/23/14 FAILED 3/27/14

SPONSOR: Rep. Diane Russell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2326	JOINT RESOLUTION MEMORIALIZING THE FEDERAL GOVERNMENT TO ENACT LAWS SAFEGUARDING THE PRIVACY OF AMERICANS AS IT RELATES TO GOVERNMENT SURVEILLANCE PROGRAMS	Tabled 01/23/14 FAILED 3/27/14

**Legislative Council Actions
Taken by Ballot Since the
March 27, 2014 Council Meeting**

Requests for Introduction of Legislation:

**LR 2901 An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds
and Notes of the Town of Old Orchard Beach**

Submitted by: Senator Linda Valentino

Approved: April 7, 2014

Vote: 10-0 in favor

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**126th Maine State Legislature
Legislative Council
Requests to Introduce Legislation
Second Regular Session
As of: 4/11/2014**

SPONSOR: Rep. Wayne T. Mitchell

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2903	An Act To Maintain the Fee for High-stakes Beano at \$25,000	

SPONSOR: Sen. John L. Tuttle, Jr

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2887	An Act To Allow a Second Liquor Store in Certain Municipalities	

SPONSOR: Rep. Alexander R. Willette

<u>LR #</u>	<u>Title</u>	<u>Action</u>
2898	An Act To Reconcile the Limitations on Contributions under Maine Elections Law with the United States Supreme Court Decision in McCutcheon v. Federal Election Commission	



Administrative Office of the Courts

James T. Glessner
State Court Administrator
125 Presumpscot Street (zip 04103)
P.O. Box 4820
Portland, Maine 04112-4820

Telephone: (207) 822-0792
FAX: (207) 822-0781
TTY: (207) 822-0701

April 11, 2014

Committee on Judiciary
c/o Legislative Information
100 State House Station
Augusta, ME 04333

Dear Sen. Valentino, Rep Priest, and Honorable Members of the Joint Standing Committee on Judiciary:

I am writing in response to your request for a portrait of a female Supreme Court Justice. We have spoken to Tom Jones who made the portrait of retired Supreme Judicial Court Associate Justice Caroline Glassman, the first woman to serve on the Maine Supreme Judicial Court. This portrait was commissioned by the Judicial Branch and the original sits in the SJC courtroom in the Cumberland County Courthouse.

Tom Jones Photography informs us that an additional 30 X 40 portrait will cost \$995, unframed, and a frame, should you choose to purchase it from them, will run between \$250 to \$400, depending upon the choice of frame. If the Legislature is interested in purchasing this portrait, please let me know and we will be glad to authorize Tom Jones Photography to work directly with the Legislature on this purchase.

I can tell you the Judicial Branch would be pleased and honored to have a portrait of the first female justice of the Supreme Court displayed in the Statehouse. This surely commemorates an important historical "first" in Maine history, and would be a wonderful addition to the Statehouse historic portraits collection.

Thank you for your interest. Please let me know if we can provide further information.

Sincerely,

James T. Glessner
State Court Administrator

REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

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MEMO

TO: Mark W. Eves, Chair, Legislative Council
Justin L. Alfond, Vice-Chair, Legislative Council
Members of the Legislative Council
D.B.
FROM: David E. Boulter, Executive Director
DATE: April 11, 2014
RE: Consideration of Proposed Legislative Studies

The Legislative Council will meet on Monday, April 14th at 1:30 PM for a special meeting to consider proposed legislative studies. Attached are background materials on the proposed studies for the upcoming legislative interim. The materials consist of:

1. A suggested protocol for considering the proposed studies;
2. A summary of the fiscal impact for the proposed studies; and
3. 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 funding source and committee/policy areas.

The studies packet also includes the following appendices for your reference.

- A. A copy of *Joint Rule 353* regarding the Legislative Studies (see subsection 10 for reference to the study table);
- B. A copy of the *Legislative Council Policy on Legislative Studies*;
- C. Copies of the engrossed version (or the latest version available) of the applicable bill, resolve or joint order.

Consideration of Proposed Legislative Studies

April 11, 2014

Page 2

The annual budget for the General Fund studies account is \$10,000 each year plus any remaining balance from prior years, subject to the approval of the Legislative Council. Of the \$20,000 that was available and obligated in FY 14, \$3,000 was allocated to the Maine Health Exchange Advisory Committee (H.P. 1136). The same amount was set aside for this Committee in FY 15. The current unobligated balance that is available this interim for studies in the current or subsequent fiscal years is \$5,795. With the addition of the FY 15 appropriation the total available for studies is \$15,795. As you review these materials you will see that the fiscal estimate for the proposed studies that are to be paid from the General Fund studies account exceed the available balance by \$1,705 in FY 14 and \$27,125 in FY 15.

In addition to the studies mentioned above, there are several studies that require either a General Fund appropriation or other funding contributions. The total estimated cost of these studies for the current biennium is \$613,000 and \$115,125, respectively; however, some of the costs are for efforts that are duplicated in several LDs (e.g. LD 1487, LD 1578 and LD 1640 include an appropriation of \$100,000 for the Office of Fiscal and Program Review to contract with an outside entity).

PLEASE BRING THESE MATERIALS WITH YOU TO THE LEGISLATIVE COUNCIL MEETING ON MONDAY, APRIL 14th.

Thank you.

Attachments

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

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Protocols for Review of Legislative Study Proposals
126th Legislature
Legislative Council Meeting
April 2014

Background: Requirements Relevant to Studies in the First Regular Session

Under the terms of the Joint Rules of the 126th 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 126th Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevants as part of study legislation. Copies of the Joint Rule and the adopted policy are in your notebook (see appendices).

Decision: 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.

Issues: 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.

General Fund Miscellaneous Studies - Budget

	2014	2015	2016	2017
Miscellaneous Studies Budget	\$ 3,000	\$ 10,000	\$ 10,000	\$ 10,000
Available Unobligated Balance	\$ 5,795			

I. Available Balance - General Fund Miscellaneous Studies Budget \$ 8,795 \$ 10,000 \$ 10,000 \$ 10,000

HP 1136 ¹	An Act to Fully Implement Health Insurance Exchanges and to Make Maine Law Consistent with Federal Law	Maine Health Exchange Advisory Committee	\$ 3,000	\$ 3,000	\$ -	\$ -
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II. Available Balance - General Fund Miscellaneous Studies Budget \$ 5,795 \$ 7,000 \$ 10,000 \$ 10,000

¹ -Approved by the Legislative Council during the First Regular Session.

General Fund Miscellaneous Studies - Proposed

			2014	2015	2016	2017
LD 1458	Resolve, To Establish the Commission To Study Business Format Franchising	Commission to Study Business Format Franchising	\$ -	\$ 2,500	\$ -	\$ -
LD 1703	An Act To Increase College Affordability and the Rate of Degree Completion	Task Force To Increase College Affordability and the Rate of Degree Completion	\$ -	\$ 4,875	\$ -	\$ -
LD 1754	Resolve to Require a Study of the Payment of Motor Vehicle Excise Tax by Public Utilities	Study Group to Evaluate the Payment of Motor Vehicle Excise Tax by Public Utilities	\$ -	\$ 3,000	\$ -	\$ -
LD 1757	Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability	Blue Ribbon Commission on Independent Living and Disability	\$ 1,000	\$ 1,500	\$ -	\$ -
LD 1776	An Act to Implement the Recommendations of the Commission to Study Long-Term Care Facilities	Commission to Continue the Study of Long-Term Care Facilities	\$ 1,250	\$ 2,000	\$ -	\$ -
LD 1776	An Act to Implement the Recommendations of the Commission to Study Long-Term Care Facilities	Blue Ribbon Commission on Long-Term Care	\$ 1,750	\$ 2,500	\$ -	\$ -
LD 1833	Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance	Workers' Compensation Board working group	\$ 500	\$ 500		
LD 1849	Resolve, to Establish the Commission to Study College Affordability and College Completion	Commission to Study College Affordability and College Completion	\$ 1,500	\$ 1,500	\$ -	\$ -
LD 1850	Resolve, to Establish a Commission to Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula	Commission to Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula	\$ 1,500	\$ 3,000	\$ -	\$ -
LD 1856	Resolve, to Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine	VLA	\$ -	\$ 7,500	\$ -	\$ -

III. Total - General Fund Miscellaneous Studies Proposed \$ 7,500 \$ 28,875 \$ - \$ -

IV. Balance / (Shortfall) General Fund Miscellaneous Studies Budget \$ (1,705) \$ (21,875) \$ 10,000 \$ 10,000

Summary of Fiscal Impact for Proposed Studies

General Fund Appropriation

			2014	2015	2016	2017
LD 1578	An Act to Increase Health Security by Expanding Federally Funded Health Care for Maine People	OFPR to contract with non-partisan research organization	\$ -	\$ 100,000	\$ -	\$ -
LD 1640	An Act to enhance the Stability and Predictability of Health Care Costs for Returning Veterans and Others by Addressing the Issues Associated with the Hospital Charity Care and Bad Debt	OFPR to contract with non-partisan research organization	\$ -	\$ 100,000	\$ -	\$ -
LD 1746	An Act to Facilitate Informed Planning for Higher Education and Careers	State Education and Employment Outcomes Task Force	\$ -	\$ 2,500	\$ 2,500	\$ 2,500
LD 1765	An Act to Establish the Criminal Law Revision Commission	Criminal Law Revision Commission	\$ -	\$ 158,500	\$ 3,500	\$ 3,500
LD 1856	Resolve, to Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine	Market analysis contract	\$ -	\$ 150,000	\$ -	\$ -

V. Total - Proposed Studies Requiring a General Fund Appropriation \$ - \$ 511,000 \$ 6,000 \$ 6,000

Other Special Revenue

			2014	2015	2016	2017
LD 1194	Resolve, Directing a Study of Social Media Privacy in School and in the Workplace	JUD	\$ 3,500	\$ 3,750	\$ -	\$ -
LD 1345	Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act	IFS	\$ -	\$ 100,000	\$ -	\$ -
LD 1602	Resolve, Establishing the Commission to Study the Effects of Ocean Acidification and its Existing and Potential Effects on Species that are Commercially Harvested and Grown along the Maine Coast	Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast	\$ 1,250	\$ 1,750	\$ -	\$ -
LD 1819²	Resolve, To Create the Task Force to End Student Hunger in Maine	Task Force to End Student Hunger in Maine	\$ 2,000	\$ 2,875	\$ -	\$ -

VI. Total - Proposed Studies Requiring Outside Funding \$ 6,750 \$ 108,375 \$ - \$ -

² - Enacted during the Second Regular Session of the 126th Legislature.

VII. Total Cost of Studies - All Funding Sources \$ 17,250 \$ 651,250 \$ 6,000 \$ 6,000

126th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL REVIEW OF PROPOSED STUDIES
SECOND REGULAR SESSION

PROPOSED STUDIES SUMMARY

Does It Conform to Joint Rules and Council Policy?

Page #	LD (brother)	Notes	Policy Area	Study Name	Purpose	Membership	Report Date(s)	Staff	It. Rule and Council Policies	Compensation and # mtgs	FY 2014	FY 2015	FY 2016	FY 2017	Funding Source
C1	LD 1703 Unfinished Business (Senate)		EDU	Task Force to Increase College Affordability and the Rate of Degree Completion	Study issues associated with college affordability and degree completion and develop a 10-year statewide economic and policy strategy.	TOTAL: 16 Legis: 7 Sen: 3 House: 4 Chairs: Legislators	January 31, 2015: First Regular Session of the 127th Legislature	Legislative Council	NO RULE: membership maximum 13 RULE: majority legislators RULE: report by November 5 RULE: LC staff conforming studies	Legislative per diem and expenses; 5 meetings	\$ -	\$ 4,875	\$ -	\$ -	MS
C4	LD 1849 Emergency On Study Table		EDU	Commission to Study College Affordability and College Completion	Examine and make recommendations on the development of strategies to keep the cost of public postsecondary education in the State affordable and to increase the graduation rate of students enrolled in state-supported public institutions of higher education.	TOTAL: 13 Legis: 5 Sen: 2 House: 3 Chairs: Legislators	December 9, 2014: EDU Committee	UMaine, MCCC and MMA; OPLA to provide drafting assistance	NO RULE: majority legislators RULE: report by November 5	Legislative per diem and expenses (4 meetings)	\$ 1,500	\$ 1,500	\$ -	\$ -	MS
C9	LD 1850 Emergency On Study Appropriations Table		EDU	Commission to Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula	Develop a plan to strengthen the adequacy and equity of certain cost components included in the Essential Programs and Services Funding Act and other related education statutes.	TOTAL: 18 Legis: 5 Sen: 2 House: 3 Chairs: Legislators	December 9, 2014: EDU Committee	DOE and the Education Research Institute; OPLA to provide drafting assistance	NO RULE: membership maximum 13 RULE: majority legislators RULE: report by November 5	Legislative per diem and expenses; 6 meetings	\$ 1,500	\$ 3,000	\$ -	\$ -	MS
C17	LD 1487 Enacted (Part F)	LD 1487 contains 2 studies; see other (funding source APP)	HHS	Task Force to Create Opportunities for Stable Employment for MaineCare Members	Identify any policies in MaineCare that penalize or create a disincentive for members increasing hours of employment or earnings and make recommendations to eliminate any such barriers and propose new policies that support and promote stable and lasting employment.	TOTAL: 8 Legis: 8 Sen: 3 House: 5 Chairs: Legislators	December 8, 2014: HHS Committee	Legislative Council	NO RULE: report by November 5 RULE: LC staff conforming studies	Legislative per diem and expenses; 4 meetings	\$ -	\$ 5,250	\$ 750	\$ -	MS
C20	LD 1757 Emergency On Study Table		HHS	Blue Ribbon Commission on Independent Living and Disability	Evaluate the needs of Maine citizens with a disability, examine the State's laws governing access to housing, transportation, public accommodation and education and make recommendations to improve the lives of Maine's citizens with a disability.	TOTAL: 16 Legis: 4 Sen: 2 House: 2 Chairs: Legislators	November 5, 2014: HHS Committee	Legislative Council	NO RULE: membership maximum 13 RULE: majority legislators RULE: LC staff conforming studies	Legislative per diem and expenses (4 meetings)	\$ 1,000	\$ 1,500	\$ -	\$ -	MS
C24	LD 1776 Emergency Unfinished business (Senate)	1776 contains 2 commissions; see other below	HHS	Commission to Continue the Study of Long-Term Care Facilities	Study and determine feasibility of making changes to long-term care system, including: funding and payment methods, regulatory requirements, collaborative agreements, viability of privately owned facilities in rural communities and access to nursing facility services statewide.	TOTAL: 11 Legis: 5 Sen: 2 House: 3 Chairs: Legislators	October 15, 2014: HHS Committee and Blue Ribbon Comsn. on Long-term Care	Legislative Council	NO RULE: majority legislators RULE: LC staff conforming studies	Legislative per diem and expenses (4 meetings)	\$ 1,250	\$ 2,000	\$ -	\$ -	MS

126th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL REVIEW OF PROPOSED STUDIES
SECOND REGULAR SESSION

PROPOSED STUDIES SUMMARY

Does it Conform to Joint Rules and Council Policy?

Page #	LD (or other)	Notes	Policy Area	Study Name	Purpose	Membership	Report Date(s)	Staff	Jt. Rule and Council Policies	Compensation and # mtgs.	FY 2014	FY 2015	FY 2016	FY 2017	Funding Source
28	LD 1776 Emergency Unfinished Business (Senate)	1776 contains 2 commissions; see other above	HHS	Blue Ribbon Commission on Long-Term Care	Review and study the feasibility of developing or amending the State's plan for long-term care and the provision of long-term care services in the community and in facilities.	TOTAL: 13 Legis: 7 Sen: 3 House: 4 Chairs: Legislators	November 5, 2014: HHS Committee	Legislative Council	YES	Legislative per diem and expenses (4 meetings)	\$ 1,750	\$ 2,500	\$ -	\$ -	MS
32	HP 1136 Authorized First Regular of 126th (currently funded - - included for information purposes)	Continuing study	IFS	Maine Health Exchange Advisory Committee	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.	TOTAL: 20 Legis: 5 Sen: 2 House: 3 Chairs: Legislators	November 5, 2014: IFS Committee	Legislative Council (may contract for admin. and prof. services if funding permits)		Legislative per diem and expenses; 4 meetings annually	\$ 3,000	\$ 3,000	\$ -	\$ -	MS
37	LD 1458 On Study Table		LCED	Commission to Study Business Format Franchising	Study issues related to the frequency of transfers of franchises in this State from franchisee to a member of the franchisee's family; legal issues raised with state franchise laws; the cancellation, termination and renewal of terms of franchise agreements and the impact of the requirement of reasonableness on terms and provisions of the franchise agreement.	TOTAL: 7 Legis: 4 Sen: 2 House: 2 Chairs: Legislators	November 5, 2014: LCRED Committee	Legislative Council	YES	Legislative per diem and expenses (4 meetings)		\$ 2,500			MS
40	LD 1833 On Study Table		LCRED	Working Group on Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance	Working Group to conduct a study on the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation insurance, including the prevalence of the problem and potential funding sources to address the problem.	TOTAL: 10 Legis: 2 Sen: 1 House: 1 Chairs: Executive Director of Workers' Comp. Board	February 1, 2015: LCRED Committee	Workers Comp. Board; may request drafting assistance from Legislative Council	NO (LC Policy allows exception if only 2 legis members and no other legis resources used) Includes LC staff (drafting)	Legislative per diem and expenses (4 meetings)	\$ 500	\$ 500			MS
43	LD 1754 On Study Table		TAX	Study Group to Evaluate the Payment of Motor Vehicle Excise Tax by Public Utilities	Study and analyze current law regarding the location of payment of motor vehicle excise tax by public utilities compared to other corporations.	TOTAL: 5 Legis: 5 Sen: 3 House: 2 Chairs: House member from TAX Committee	November 5, 2014: TAX Committee	Legislative Council	YES	Legislative per diem and expenses (4 meetings)	\$ -	\$ 3,000	\$ -	\$ -	MS

126th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL REVIEW OF PROPOSED STUDIES
SECOND REGULAR SESSION

PROPOSED STUDIES SUMMARY

Does it Conform to Joint Rules and Council Policy?

Page #	LD (or other)	Notes	Policy Area	Study Name	Purpose	Membership	Report Date(s)	Staff	Jt. Rule and Council Policies	Compensation and #mtgs	FY 2014	FY 2015	FY 2016	FY 2017	Funding Source
C46	LD 1856 Emergency Engrossed (House) Unfinished Business (Senate)	LD 1856 contains 2 studies; see other (funding source APP)	VLA	VLA Committee Meetings Related to the Market Analysis Regarding the Potential for Expanded Gaming in the State	Meetings of the VLA Committee to consider the analysis and report of the consultant contracted with by the Legislative Council to provide an analysis of the potential market for expanded casino-style gaming in the State.	TOTAL: 13 Legis: 13 Sen: 10 House: 3 Chairs: Legislators	No report required	Legislative Council	YES	Legislative per diem and expenses; 4 meetings		\$ 7,500			MS
C48	LD 1487 Enacted (Part C)	LD 1487 contains 2 studies; see other (funding source MS)	HHS	OFPR to contract with non-partisan research organization(s) for an Evaluation of the Impact of the MaineCare Expansion and a Health Insurance Marketplace Report	OFPR to contract with a nonpartisan research organization to evaluate the impact of the MaineCare Expansion on state programs and to examine the financial feasibility of providing coverage through a Health Insurance marketplace model.	TOTAL: Legis: Sen: House: Chairs:	February 15, 2015 and February 15, 2016: Research org. reports to AFA, HHS & CJPS Committees; February 15, 2015: OFPR to report to HHS Committee	Legislative Council; OFPR to contract for services	NO RULE: report by November 5		\$ -	\$ 100,000	\$ -	\$ -	APP
C52	LD 1578 Unfinished Business (House)		HHS	OFPR to Contract with Non-partisan Research Organization(s) for an Evaluation of the Impact of the MaineCare Expansion and a Health Insurance Marketplace Report	OFPR to contract with a nonpartisan research organization to evaluate the impact of the MaineCare Expansion on state programs and to examine the financial feasibility of providing coverage through a health insurance marketplace model.	TOTAL: Legis: Sen: House: Chairs:	February 15, 2015 and February 15, 2016: Research organization reports to AFA, HHS, CJPS; February 15, 2015: OFPR to report to HHS Committee	Legislative Council; OFPR to contract for services	NO RULE: report by November 5		\$ -	\$ 100,000	\$ -	\$ -	APP
C56	LD 1640 Unfinished Business (House) (Part B)		HHS	OFPR to contract with non-partisan research organization(s) for an Evaluation of the Impact of the MaineCare Expansion and a Health Insurance Marketplace Report	OFPR to contract with a nonpartisan research organization to evaluate the impact of the MaineCare Expansion on state programs and to examine the financial feasibility of providing coverage through a Health Insurance marketplace model.	TOTAL: Legis: Sen: House: Chairs:	February 15, 2015 and February 15, 2016: Research organization reports to AFA, HHS, CJPS; February 15, 2015: OFPR to report to HHS Committee	Legislative Council; OFPR to contract for services	NO RULE: report by November 5		\$ -	\$ 100,000	\$ -	\$ -	APP
C60	LD 1746 On Special Appropriations Table	On-going task force	MWFE	State Education and Employment Outcomes Task Force	Develop procedures to maintain and disseminate information and data from the Department of Labor's educational outcome database.	TOTAL: 15 Legis: 4 Sen: 2 House: 2 Chairs: Legislators	November 1 annually: EDU, LCRED and MWFE Committees	Legislative Council (not during session)	NO On-going task force, not study LC Policy allows up to 2 legislators RULE: LC staff conforming studies	Legislative per diem and expenses; 4 meetings per calendar year	\$ -	\$ 2,500	\$ 2,500	\$ 2,500	APP

126th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL REVIEW OF PROPOSED STUDIES
SECOND REGULAR SESSION

PROPOSED STUDIES SUMMARY

Does it Conform to Joint Rules and Council Policy?

Page #	LD (or other)	Notes	Policy Area	Study Name	Purpose	Membership	Report Date(s)	Staff	Jt. Rule and Council Policies	Compensation and # mtgs	FY 2014	FY 2015	FY 2016	FY 2017	Funding Source
C65	LD 1765 On Special Appropriations Table		CPS	Criminal Law Revision Commission	Examine all criminal statutes within the Maine Revised Statutes and the administration of those statutes to assess their clarity and consistency, the proportionality of penalties to offenses and the effectuation of policy objectives. (Title 17-A first)	TOTAL: 13 Legis: 4 Sen: 2 House: 2 Chairs: Legislators	Each Second Regular Session: Legislature, CJ Supreme Jud. Court, Crim. Rules Committee & CLAC	Contract for Chief Counsel and support staff; may request support staff from the Legislative Council during legislative interims	NO On-going commission, not study LC Policy allows up to 2 legislators RULE: LC staff conforming studies	Legislative per diem and expenses; 2 meetings annually	\$ -	\$ 158,500	\$ 3,500	\$ 3,500	APP
C71	LD 1856 Emergency Engrossed (House Unfinished Business (Senate))	LD 1856 contains 2 studies; see other (funding source MS)	VLA	Legislative Council Contract with a Consulting Firm for Market Analysis Regarding the Potential for Expanded Gaming in the State	The Legislative Council shall contract with a qualified consulting firm to conduct an analysis of the potential market for expanded casino-style gaming in the State.	TOTAL: Legis: Sen: House: Chairs:	September 1, 2014: VLA Committee	Legislative Council to contract with consulting firm				\$ 150,000			APP
C77	LD 1105 In AFA (carried over from last session)	Continuation; on-going board	AFA	Downtown Revitalization Fund Board	Disburse loans and grants from the fund to encourage business development in downtown areas.	TOTAL: 9 Legis: 4 Sen: 2 House: 2 Chairs: Elected by members	No report required	Office of Community Development	NO On-going commission, not study LC Policy allows up to 2 legislators	Legislative per diem and expenses	\$ -	\$ 2,000	\$ 2,000	\$ 2,000	APP
C83	LD 1194 Emergency On Study Table		JUD	Judiciary Committee Study of Social Media Privacy in School and in the Workplace	Study issues about social media and personal e-mail privacy in school and the workplace.	TOTAL: 14 Legis: 14 Sen: 3 House: 11 Chairs: Legislators	November 5, 2014: First Regular Session of the 127th Legislature	Legislative Council	YES	Legislative per diem and expenses; 4 meetings	\$ 3,500	\$ 3,750	\$ -	\$ -	OSR
C87	LD 1602 Emergency On Study Table		MAR	Commission to Study the Effects of Ocean Acidification and Its Existing and Potential Effects on Species that are Commercially Harvested and Grown Along the Maine Coast	Study and review existing literature and data on ocean acidification and how it has affected or could potentially affect commercially harvested and grown species along the Maine coast.	TOTAL: 13 Legis: 5 Sen: 2 House: 3 Chairs: Legislators	December 5, 2014: MR Committee	Legislative Council	NO RULE: majority legislators RULE: report by November 5 RULE: LC staff conforming studies	Legislative per diem and expenses; 4 meetings	\$ 1,250	\$ 1,750	\$ -	\$ -	OSR
C91	LD 1345 On Special Appropriations Table		IFS	IFS Committee to Hire Consultant to Propose Design Options for Creating a Universal System of Health Care	IFS Committee to solicit services of one or more consultants to propose at least 3 design options, including Implementation plans, for creating a universal system of health care in the State.	TOTAL: 13 Legis: 13 Sen: 3 House: 10 Chairs: Legislators	December 2, 2015: IFS Committee and Legislature	Legislative Council	NO RULE: report by November 5 RULE: LC staff conforming studies	Legislative per diem and expenses (4 meetings)	\$ -	\$ 100,000	\$ -	\$ -	OSR

126th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL REVIEW OF PROPOSED STUDIES
SECOND REGULAR SESSION

PROPOSED STUDIES SUMMARY

Does it Conform to Joint Rules and Council Policy?															
Page #	LD (or other)	Notes	Policy Area	Study Name	Purpose	Membership	Report Date(s)	Staff	Jt. Rule and Council Policies	Compensation and # mtgs.	FY 2014	FY 2015	FY 2016	FY 2017	Funding Source
298	LD 1819 Finally Passed In House and Senate		EDU	Task Force to End Student Hunger in Maine	Study issues associated with the creation of a public-private partnership to provide expertise to SAUs throughout the State in adopting best practices and maximizing available federal funds for addressing student hunger.	TOTAL: 17 Legts: 7 Sen: 3 House: 4 Chairs: Legislators	December 9, 2014: First Regular Session of the 127th Legislature	Legislative Council	NO RULE: membership maximum 13 RULE: majority legislators RULE: report by November 5 RULE: LC staff conforming studies	Legislative per diem and expenses; 5 meetings	\$ 2,000	\$ 2,875	\$ -	\$ -	OSR
Total Cost of Proposed Studies (All Funds):											\$ 17,250	\$ 758,500	\$ 8,750	\$ 8,000	
Available Studies Budget (General Fund): (Adjusted for previously authorized studies)											\$ 8,795	\$ 10,000	\$ 10,000	\$ 10,000	
Other Required Funding Sources (Federal & Other Special Revenue):											\$ 6,750	\$ 108,375	\$ -	\$ -	
General Fund Appropriation:											\$ -	\$ 613,000	\$ 8,000	\$ 8,000	
Remaining Balance/(Shortfall) Studies Budget (General Fund):											(\$1,705)	(\$27,125)	\$9,250	\$10,000	

* Future budgets will be adjusted to include the cost of studies authorized on an ongoing basis.

APPENDIX A

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.

APPENDIX B

OFFICIAL COPY: LEGISLATIVE COUNCIL POLICY

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

126TH MAINE STATE LEGISLATURE LEGISLATIVE COUNCIL

Maine Legislative Council Policy on Legislative Studies for 126th 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 28th day of February, 2013.

This policy takes effect immediately.

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

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APPENDIX C

EDU

LD 1703

**Task Force to Increase College
Affordability and the Rate of Degree
Completion**

Date:

(Filing No. S-)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 668, L.D. 1703, Bill, "An Act To Increase College Affordability and the Rate of Degree Completion"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Establish the Task Force To Increase College Affordability and the Rate of Degree Completion'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Task force established. Resolved: That, notwithstanding Joint Rule 353, the Task Force To Increase College Affordability and the Rate of Degree Completion, 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 16 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. The President of the Maine Community College System or the president's designee;

4. The Chancellor of the University of Maine System or the chancellor's designee;

5. The President of the Maine Maritime Academy or the president's designee;

6. Three members chosen by the President of the Senate from nominees supplied by the Maine Independent Colleges Association;

7. Two members from organizations with experience administering student loans, one appointed by the President of the Senate and one by the Speaker of the House; and

8. The Commissioner of Education or the commissioner'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

chair and the first-named House of Representatives member is the House chair of the task force; and be it further

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

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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

for the task force to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the task force shall meet 5 times. The task force shall study issues associated with college affordability and degree completion and develop a 10-year statewide economic and policy strategy. The methods the task force shall consider include, but are not limited to, the following:

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develop a 10-year statewide economic and policy strategy. The methods the task force shall consider include, but are not limited to, the following:

shall consider include, but are not limited to, the following:

1. A scholarship at the University of Maine for the 2nd year of attendance provided to students who agree to work in the State for a certain period of time following graduation;

students who agree to work in the State for a certain period of time following graduation;

2. Tuition guarantees that ensure that students will pay the same tuition for 2 or 4 years while attending one of the State's institutions of higher education; and

years while attending one of the State's institutions of higher education; and

3. Simplifying and transitioning from the provision of tax credits for higher education to the greater provision of state grants and other forms of financial aid for higher education; and be it further

to the greater provision of state grants and other forms of financial aid for higher education; and be it further

education; 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

necessary staffing services to the task force; and be it further

Sec. 7. Report. Resolved: That, no later than January 31, 2015, 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. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill related to this report to the First Regular Session of the 127th Legislature.'

shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 127th Legislature. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill related to this report to the First Regular Session of the 127th Legislature.¹

legislation, for presentation to the First Regular Session of the 127th Legislature. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill related to this report to the First Regular Session of the 127th Legislature.¹

joint standing committee of the Legislature having jurisdiction over education matters may submit a bill related to this report to the First Regular Session of the 127th Legislature.¹

may submit a bill related to this report to the First Regular Session of the 127th Legislature.'

Legislature.'

SUMMARY

This amendment replaces the bill, which is a concept draft, with a resolve to establish the Task Force To Increase College Affordability and the Rate of Degree Completion. The task force is directed to study and make recommendations on issues associated with college affordability and degree completion and develop a 10-year statewide economic and policy strategy. The task force is required to submit a report by January 31, 2015 to the joint standing committee of the Legislature having jurisdiction over education matters. The report submitted by the task force must include findings, recommendations and any suggested legislation. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill related to this report to the First Regular Session of the 127th Legislature.

the Task Force To Increase College Affordability and the Rate of Degree Completion.

The task force is directed to study and make recommendations on issues associated with college affordability and degree completion and develop a 10-year statewide economic and policy strategy. The task force is required to submit a report by January 31, 2015 to

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the joint standing committee of the Legislature having jurisdiction over education

matters. The report submitted by the task force must include findings, recommendations

and any suggested legislation. The joint standing committee of the Legislature having

jurisdiction over education matters may submit a bill related to this report to the First

Regular Session of the 127th Legislature.

EDU

LD 1849

**Commission to Study College
Affordability and College Completion**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

S.P. 748 - L.D. 1849

**Resolve, To Establish the Commission To Study College Affordability and
College Completion**

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 legislation needs to take effect before the expiration of the 90-day period in order to allow the commission established in this resolve sufficient time to complete its work; 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. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Study College Affordability and College Completion, 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 as follows:

1. The President of the Senate shall appoint:

A. Two members of the Senate who serve on the Joint Standing Committee on Education and Cultural Affairs, including one member of the party holding the highest and one member of the party holding the 2nd highest number of seats in the Legislature;

B. One person representing a statewide association of independent higher education institutions; and

C. One person representing a statewide association of student financial aid directors;

2. The Speaker of the House shall appoint:

- A. Three members of the House of Representatives who serve on the Joint Standing Committee on Education and Cultural Affairs, including 2 members of the party holding the highest and one member of the party holding the 2nd highest number of seats in the Legislature;
 - B. One person with expertise in higher education policy issues representing a nonprofit entity in the State that provides financial assistance to students or to high schools to assist students for college enrollment; and
 - C. One person with expertise in higher education policy issues representing a statewide education policy research institute; and
3. Four members of the publicly supported higher education systems in the State, including:
- A. The Chancellor of the University of Maine System or the chancellor's designee;
 - B. The President of the Maine Community College System or the president's designee;
 - C. The President of the Maine Maritime Academy or the president's designee; and
 - D. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer'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 commission; 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. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 30 days following the appointment of all members; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine and make recommendations on the development of strategies to keep the cost of public postsecondary education in the State affordable and to increase the graduation rate of students enrolled in state-supported public institutions of higher education. The strategies and related cost issues to be reviewed include:

1. Oregon's "Pay Forward, Pay Back" pilot project's model of funding public postsecondary education, under which a student enrolled in a public institution of higher education, in lieu of paying tuition or fees, contracts to pay to the State a certain percentage of the student's annual income upon graduation for a specified number of years;
2. Increased funding to the State of Maine Grant Program established in the Maine Revised Statutes, Title 20-A, section 11612 that boosts the minimum grant from \$1,000 to \$1,500 for eligible Maine residents;

3. The initiatives proposed by the public and independent colleges and universities in the State as part of the March 2014 "Improving College Affordability and Completion in Maine" report submitted to the Joint Standing Committee on Education and Cultural Affairs;

4. The extent to which Maine's public institutions of higher education support the state reforms included in the October 2013 "The Game Changers" report prepared by Complete College America, which recommends implementing the following strategies to enable more college students to complete degree programs and certificate programs and graduate from college: Performance Funding; Corequisite Remediation; Full-Time is 15; Structured Schedules; and Guided Pathways to Success;

5. The mandatory fees charged to students beyond the price of tuition charges, including technology and laboratory fees;

6. The affordability of college textbooks, including consideration of the costs and benefits of open source textbooks, for college students in the State; and

7. Other strategies that a majority of the commission members agree to include in this review.

The commission shall review previous reports prepared and submitted to the Legislature on college affordability and the rate of college degree completion in the State, including the "Statewide Education and Workforce Development Strategic Plan" report submitted by the Education Coordination Committee to the Joint Select Committee on Maine's Workforce and Economic Future on January 30, 2014; and be it further

Sec. 6. Staffing assistance; information. Resolved; That the University of Maine System, the Maine Community College System and the Maine Maritime Academy shall provide staffing assistance to the commission. The Finance Authority of Maine shall provide the commission with access to any nonconfidential aggregate information in its student financial assistance database for postsecondary education students in the State necessary to carry out the duties pursuant to section 5. The Office of Policy and Legal Analysis shall provide drafting assistance to the commission; and be it further

Sec. 7. Outside funding for commission activities. The commission may seek outside funds to provide staff support, consulting or other services or 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. The Executive Director of the

Legislative Council shall administer any funds received by the commission; and be it further

Sec. 8. Report; recommendations. Resolved: That the commission shall submit a report containing its findings and recommendations pursuant to section 5, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education matters by December 9, 2014. The joint standing committee may submit a bill related to this report 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.

EDU

LD 1850

**Commission to Strengthen the
Adequacy and Equity of Certain Cost
Components of the School Funding
Formula**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

H.P. 1335 - L.D. 1850

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

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 legislation needs to take effect before the expiration of the 90-day period in order to allow the commission established in this resolve sufficient time to complete its work; 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. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 14 members as follows:

1. Appointments by Senate President. Two members of the Senate, who serve on the Joint Standing Committee on Education and Cultural Affairs, appointed by the President of the Senate, including one member of the party holding the largest and one member of the party holding the 2nd largest number of seats in the Legislature;

2. Appointments by Speaker of the House. Three members of the House of Representatives, who serve on the Joint Standing Committee on Education and Cultural Affairs, appointed by the Speaker of the House, including 2 members of the party holding the largest and one member of the party holding the 2nd largest number of seats in the Legislature;

3. Commissioner of Education. The Commissioner of Education or the commissioner's designee;

4. State Board of Education. The Chair of the State Board of Education or the chair's designee; and

5. Public members. Seven members with extensive knowledge of public education and school finance policies in the State, including:

A. One person representing the Maine Education Association, appointed by the President of the Senate;

B. One person representing the Maine Principals' Association, appointed by the Speaker of the House;

C. One person representing the Maine School Boards Association, appointed by the President of the Senate;

D. One person representing the Maine School Superintendents Association, appointed by the Speaker of the House;

E. One person representing the Maine Administrators of Services for Children with Disabilities, appointed by the President of the Senate;

F. One person representing the Maine Association of School Business Officials, appointed by the Speaker of the House; and

G. One person representing Educare Central Maine, appointed by the Speaker of the House; 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 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. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 30 days following the appointment of all members; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine the reports and related work products presented to the Joint Standing Committee on Education and Cultural Affairs during the 126th Legislature as part of the independent review of the Essential Programs and Services Funding Act conducted pursuant to Resolve 2011, chapter 166 and shall develop a plan to strengthen the adequacy and equity of the following cost components included in the Essential Programs and Services Funding Act and other related education statutes.

1. Public preschool programs for children 4 years of age. As part of the review and analysis of public preschool programs for children 4 years of age, the commission shall:

A. Review the work products and any proposed rules developed by the Department of Education's work group to implement quality standards of practice for Maine public preschool programs, including an analysis of the standards proposed to address quality and consistency of public preschool programs and collaboration with other early childhood and preschool programs;

B. Conduct an analysis of the targeted funds for public preschool to grade 2 students that are allocated specifically for preschool students and conduct an analysis of the projected costs for providing public preschool programs for all eligible children 4 years of age in the State;

C. Review the current method for calculating the number of public preschool students enrolled in a school administrative unit's public preschool program and conduct an analysis of the projected costs for changing the current method for calculating the number of public preschool students that counts each public preschool student as a 0.5 full-time equivalent student for the first year and a 1.0 full-time equivalent student beginning in the 2nd year to a new method that counts each public preschool student as a 1.0 full-time equivalent student for the first year and subsequent years; and

D. Collect and review information on the physical space and facility capacity of school administrative units and project the school facility costs necessary to implement public preschool programs for eligible children 4 years of age in the State.

2. Support for economically disadvantaged students; Title I funds. As part of the review and analysis of the cost components related to strengthening support for economically disadvantaged students, including the provision of funding under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq., referred to in this resolve as "Title I," and resources to provide extra help for struggling students, such as extended school days and summer school programs, the commission shall:

A. Collect school administrative unit spending data on the number of Title I teachers and education technicians in order to update the staffing ratios in the essential programs and services funding formula;

B. Conduct an analysis of the updated data collected on student-teacher and student-education technician staffing ratios in the essential programs and services funding formula in order to separate the groups of teachers into the following categories: classroom teachers, Title I teachers and teacher leaders or instructional coaches;

C. Develop a plan for adjusting the costs of the essential programs and services funding formula to account for the separate costs of classroom teachers, Title I teachers, education technicians and teacher leaders or instructional coaches;

D. Conduct research and analysis of the structures, programs, costs and achievement impacts of evidence-based practices in other states related to extended school day and

summer school programs and also analyze examples of extended school day and summer school programs provided by school administrative units in the State;

E. Develop 2 or more models for funding and evaluating extended school day and summer school programs for inclusion in the essential programs and services funding formula; and

F. Project the financial impact of the adjustments under this subsection to the essential programs and services funding formula.

3. Professional development and collaborative time needed to implement proficiency-based learning. As part of the research and analysis of the cost components related to strengthening support for professional development, collaborative time to implement proficiency-based learning and spending data on teacher leaders or instructional coaches, including the following aspects of the cost components, the commission shall:

A. Collect school administrative unit spending data on professional development programs and collaborative time for teachers, as well as the school administrative unit spending data on teacher leaders or instructional coaches in order to update the staffing ratios in the essential programs and services funding formula;

B. Establish a dedicated funding mechanism and process, such as a supplemental professional development block grant program, that allows the Department of Education to provide funding to school administrative units that submit proposals to secure professional development funds;

C. Create a standards-based inventory of effective professional development programs and strategies from which school administrative units may select programs and strategies in order to receive supplemental professional development block grant funds; and

D. Develop an implementation plan for increasing the allocation of funds for professional development, collaborative time for teachers and teacher leaders or instructional coaches and include provisions in the implementation plan to monitor the use of these funds by school administrative units.

4. Regional cost adjustment for teacher salaries. As part of the research and analysis of the cost components related to the regional cost adjustment for teacher salaries, the commission shall:

A. Collect and update school administrative unit data included in the regional adjustment for teacher salaries pursuant to the Maine Revised Statutes, Title 20-A, section 15682;

B. Recalculate the regional adjustments using the most recent teacher salary data available and conduct analyses using the 35 labor market areas currently included in the essential programs and services funding formula and using the 31 labor market areas developed by the Department of Labor; and

C. Conduct research and analysis of the strategies used in other states to address teacher salary gaps in school districts.

5. Debt service for locally approved school construction projects in the required local share of school funding. As part of the research and analysis of the cost components related to debt service for locally approved school construction projects in the required state and local shares of school funding under the Essential Programs and Services Funding Act, the commission shall:

A. Review the statutory provisions under the Maine Revised Statutes, Title 20-A, section 15672, subsection 2-A related to determination of debt service costs that are included and excluded from the school construction projects that are recognized in the required state and local shares of school funding;

B. Review school administrative unit data related to energy and other costs related to minor capital costs, defined in the Maine Revised Statutes, Title 20-A, section 15672, subsection 20-A; and

C. Review the statutory provisions under the Maine Revised Statutes, Title 30-A, section 6006-F related to the School Revolving Renovation Fund.

6. Special education allocation for minimum subsidy receivers. The commission shall review the statutory provisions under the Maine Revised Statutes, Title 20-A, section 15689, subsections 1, 1-B and 11 that reduce the special education allocations for minimum subsidy receivers from 100% to 30% of special education costs, and the commission shall develop one or more models to align the special education allocations for minimum subsidy receivers with the progress of state funding levels necessary to progress towards meeting the statutory obligation to fund 55% of the total cost of education statewide.

7. State contributions to fund the cost of the unfunded actuarial liability for retired teachers. The commission shall review the statutory provisions under the Maine Revised Statutes, Title 20-A, section 15671, subsection 7, paragraph C that recognize the state contributions to fund the cost of the unfunded actuarial liability for retired teachers, and the commission shall make recommendations on whether the calculation of the state share percentage of the total cost of funding public education from kindergarten to grade 12 as required by the Essential Programs and Services Funding Act should continue to include the state contributions to fund the cost of the unfunded actuarial liability for retired teachers; and be it further

Sec. 6. Commission meetings authorized. Resolved: That the commission shall hold no more than 6 meetings to carry out its duties under this resolve.

1. During the first meeting of the commission, which must be convened no later than July 31, 2014, the commission shall review the duties established in section 5 with the Department of Education and the Education Research Institute staff assigned to staff the commission pursuant to section 9. The commission shall develop a work plan and timeline for the review of the required duties and related deliverables that the Department of Education and the Education Research Institute staff must prepare and present to the commission in accordance with the meetings scheduled in accordance with this section.

2. During a commission meeting scheduled during the month of October 2014, the commission shall review a progress report submitted by the Department of Education and

the Education Research Institute staff of the required duties and related deliverables that were included in the work plan developed by the commission.

3. The commission shall schedule up to 4 meetings during the month of November 2014 and no later than December 9, 2014. During these meetings, the commission shall review the preliminary findings and recommendations prepared and submitted by the Department of Education and the Education Research Institute staff regarding the required duties and related deliverables that were included in the work plan developed by the commission. The Department of Education and the Education Research Institute shall submit their preliminary findings and recommendations to the commission no later than November 1, 2014; and be it further

Sec. 7. Contract to review essential programs and services components.

Resolved: That, for fiscal year 2014-15, the Commissioner of Education shall contract with a statewide education research institute to review the cost components of the Essential Programs and Services Funding Act and related education statutes pursuant to section 5 of this resolve. The contract must be funded with funding allocated for the purposes of Title 20-A, section 15689-A, subsection 3. The commissioner may not contract with a statewide education research institute to review certain cost components of the Essential Programs and Services Funding Act in accordance with the schedule established in Title 20-A, section 15686-A; and be it further

Sec. 8. Contract for Education Research Institute. Resolved: That, if funds are required in addition to the funds provided pursuant to section 7 of this resolve for the compilation and analysis of education data necessary to fulfill the duties established pursuant to section 5 of this resolve, notwithstanding the Maine Revised Statutes, Title 20-A, section 15689-A, subsection 6, for fiscal year 2014-15, the Commissioner of Education and the Legislature may contract with the Education Research Institute in accordance with Title 20-A, section 10 and use funds otherwise provided for a contract pursuant to Title 20-A, section 15689-A, subsection 6. The contract authorized in accordance with Title 20-A, section 15689-A, subsection 6 for fiscal year 2014-15 may not exceed the balance of funds remaining after funds are allocated for this purpose; and be it further

Sec. 9. Staffing assistance; information. Resolved: That the Department of Education and the Education Research Institute established pursuant to the Maine Revised Statutes, Title 20-A, section 10 shall provide staffing assistance to the commission. The Department of Education and the Education Research Institute shall provide the commission with access to previous reports on school funding in the State and access to database information necessary to carry out the duties pursuant to section 5 of this resolve. The Office of Policy and Legal Analysis shall provide drafting assistance to the commission; and be it further

Sec. 10. Report; recommendations. Resolved: That the Department of Education and the Education Research Institute staff assigned to provide staffing assistance to the commission pursuant to section 9 shall present a preliminary report, including the results of the review conducted pursuant to section 5 and the related deliverables included in the work plan established by the commission under section 6, to

the commission no later than November 1, 2014. The Department of Education and the Education Research Institute staff assigned to provide staffing assistance to the commission shall work with the commission to prepare a final report, including findings and recommendations related to the results of the review required by this resolve, for submission to the Legislature. The commission shall submit a report containing its findings and recommendations pursuant to sections 5 and 6 of this resolve, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 9, 2014. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to this report to the First Regular Session of the 127th Legislature; and be it further

Sec. 11. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Provides one-time funds to contract for staff support for the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula.

GENERAL FUND	2013-14	2014-15
All Other	\$0	\$10,000
GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$10,000

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

HHS

LD 1487

**Task Force to Create Opportunities
for Stable Employment for MaineCare
Members**

LD 1487

FEDERAL EXPENDITURES FUND	\$0	\$328,652,018
OTHER SPECIAL REVENUE FUNDS	\$0	\$4,706,952
DEPARTMENT TOTAL - ALL FUNDS		<hr/> \$0 \$335,474,172

PART E

Sec. E-1. Written notices required regarding MaineCare coverage. At the time of enrolling in the MaineCare program a member who is eligible under the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraph H or I, the Department of Health and Human Services shall provide written notice that is readable at the 6th-grade reading level to the member:

1. **Primary care provider.** That the member is required to sign up as a patient with a primary care provider promptly after enrolling in the MaineCare program; and
2. **Benefit termination.** That the member's MaineCare coverage will end no later than December 31, 2016 unless a law is passed to extend coverage past that date.

PART F

Sec. F-1. Task Force to Create Opportunities for Stable Employment for MaineCare Members. The Task Force to Create Opportunities for Stable Employment for MaineCare Members, referred to in this Part as "the task force," is established.

1. **Task force membership.** The task force consists of 8 members appointed as follows:

A. Three members of the Senate appointed by the President of the Senate; 2 must be members of the party holding the largest number of seats in the Senate and one must be a member of the party holding the 2nd largest number of seats in the Senate; and

B. Five members of the House of Representatives appointed by the Speaker of the House; 3 must be members of the party holding the largest number of seats in the House and 2 must be members of the party holding the 2nd largest number of seats in the House.

2. **Chairs.** 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.

3. **Appointments; convening of task force.** 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 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 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.

4. Duties. The task force shall meet up to 4 times in order to identify any policies in MaineCare that penalize or create a disincentive for members' increasing hours of employment or earnings. The task force shall make recommendations to eliminate any such barriers and shall propose new policies that support and promote stable and lasting employment. In performing its work, the task force shall examine current rules related to MaineCare transitional assistance and any opportunities to further reduce the adverse effects on working families that lose eligibility for MaineCare due to increased employment. The task force shall consider solutions that provide continuity of care and minimize persons' moving on and off the MaineCare program.

5. Staff assistance. The Legislative Council shall provide necessary staffing services to the task force.

6. Report. The task force shall submit a report that includes its findings and recommendations for presentation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 8, 2014.

PART G

Sec. G-1. Implement reforms in programs for adults with intellectual disabilities. The Department of Health and Human Services, referred to in this Part as "the department," shall implement the reforms identified in this section and shall transfer all savings resulting from those reforms and adjust reimbursement rates for providers of services as necessary to develop the funds that will reduce waiting lists for services under the MaineCare Benefits Manual, Chapter 101, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder and Section 29, Support Services for Adults with Intellectual Disabilities or Autistic Disorder to less than 6 months by January 15, 2015.

1. The department shall implement the following reforms specified in Public Law 2013, chapter 368, Part SS, section 4, including implementing the plan for services called for by that law:

- A. Each individual will receive a strength-based standardized assessment of that individual's strengths or needs to inform a person-centered plan;
- B. Each individual will be assessed for the natural family and community support networks potentially available to that individual;
- C. The State will establish a broad menu option model designed to match the amount and kind of paid support services needed by each individual;
- D. Each individual will have a designated community resource assistant whose job it is to help individuals at any age navigate the local array of services;
- E. The State will develop a thorough and accessible information repository;
- F. The State will establish early support and planning for steps to transition individuals from childhood services to adult services;

HHS

LD 1757

**Blue Ribbon Commission on
Independent Living and Disability**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

H.P. 1261 - L.D. 1757

**Resolve, To Establish the Blue Ribbon Commission on Independent Living
and Disability**

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 Blue Ribbon Commission on Independent Living and Disability; and

Whereas, the work of the commission 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. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Blue Ribbon Commission on Independent Living and Disability, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 16 members, a majority of whom must be individuals with a disability, appointed as follows:

1. Two members of the Senate appointed by the President of the Senate;
2. Two members of the House of Representatives appointed by the Speaker of the House;
3. Three members of the public with experience or expertise in the challenges of independent living for individuals with a disability in the State, one of whom is appointed by the President of the Senate, one of whom is appointed by the Speaker of the House and one of whom is appointed by the Governor;

4. A representative of a business that is a model work place for individuals with disabilities appointed by the Governor;

5. A representative of a statewide association of providers of services for individuals with intellectual disabilities and autism appointed by the Speaker of the House;

6. A representative of a program serving individuals with disabilities who are members of a federally recognized Indian tribe appointed by the President of the Senate;

7. A representative of a statewide association of adults with developmental disabilities and autism appointed by the Governor;

8. The Commissioner of Health and Human Services, or a designee;

9. The Executive Director of the Disability Rights Center, or a designee;

10. The executive director of Alpha One, or a designee;

11. The chair of the Maine Statewide Independent Living Council, or a designee; and

12. The Attorney General, or a 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 commission; 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 evaluate the needs of Maine citizens with a disability, review existing available resources and services and recommend priorities for cost-effective changes designed to promote independent living and community inclusion. Specifically, the commission shall examine the State's laws governing access to housing, transportation, public accommodation, education and employment. In developing its recommendations on measures to improve the lives of, and increase overall community participation by, Maine citizens with a disability, the commission shall consider the expansion of access to:

1. Assistive technology;

2. Appropriate and accessible housing and community-based living opportunities;

3. Appropriate education and training opportunities to promote employment of individuals with a disability; and

4. Cost-effective transportation; 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. Report. Resolved: That, no later than November 5, 2014, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters. After receipt and review of the report, the joint standing committee may submit a bill relating to the subject matter of the report 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.

HHS

LD 1776

**Commission to Continue the Study of
Long-term Care Facilities**

LD 1776

1 Medicaid Solutions make adjustments to the Maine Integrated Health Management
2 Solution computer system to correct and discontinue overpayments in the calculation and
3 deduction of cost of care in the payment of nursing facilities and private nonmedical
4 institutions.

5 **Sec. 5. Commission To Continue the Study of Long-term Care Facilities.**
6 Notwithstanding Joint Rule 353, the Commission To Continue the Study of Long-term
7 Care Facilities, referred to in this section as "the commission," is established. The
8 membership, duties and functioning of the commission are subject to the following
9 requirements.

10 1. The commission consists of 11 members appointed as follows:

11 A. Two members of the Senate appointed by the President of the Senate, including
12 members from each of the 2 parties holding the largest number of seats in the
13 Legislature;

14 B. Three members of the House of Representatives appointed by the Speaker of the
15 House, including members from each of the 2 parties holding the largest number of
16 seats in the Legislature; and

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

19 (1) The director of a long-term care ombudsman program described under the
20 Maine Revised Statutes, Title 22, section 5106, subsection 11-C;

21 (2) The director of a statewide association representing long-term care facilities
22 and one representative of a 2nd association of owners of long-term care facilities;

23 (3) A person who serves as a city manager of a municipality in the State;

24 (4) A person who serves as a director or who is an owner or administrator of a
25 nursing facility in the State; and

26 (5) A representative of the Governor's office or the Governor's administration.

27 2. The first-named Senate member is the Senate chair and the first-named House of
28 Representatives member is the House chair of the commission. The chairs of the
29 commission are authorized to establish subcommittees to work on the duties listed in
30 subsection 4 and to assist the commission. The subcommittees must be composed of
31 members of the commission and interested persons who are not members of the
32 commission and who volunteer to serve on the subcommittees without reimbursement.
33 Interested persons may include individuals with expertise in acuity-based reimbursement
34 systems, a representative of an agency that provides services to the elderly and any other
35 persons with experience in nursing facility care.

36 3. All appointments must be made no later than 30 days following the effective date
37 of this Act. The appointing authorities shall notify the Executive Director of the
38 Legislative Council once all appointments have been completed. After appointment of all
39 members and after adjournment of the Second Regular Session of the 126th Legislature,
40 the chairs shall call and convene the first meeting of the commission. If 30 days or more
41 after the effective date of this Act a majority of but not all appointments have been made,

1 the chairs may request authority and the Legislative Council may grant authority for the
2 commission to meet and conduct its business.

3 4. The commission shall study the following issues and the feasibility of making
4 policy changes to the long-term care system:

5 A. Funding for long-term care facilities, payment methods and the development of a
6 pay-for-performance program to encourage and reward strong performance by
7 nursing facilities;

8 B. Regulatory requirements other than staffing requirements and ratios;

9 C. Collaborative agreements with critical access hospitals for the purpose of sharing
10 resources;

11 D. The viability of privately owned facilities in rural communities;

12 E. The impact on rural populations of nursing home closures; and

13 F. Access to nursing facility services statewide.

14 5. The Legislative Council shall provide necessary staffing services to the
15 commission.

16 6. The Commissioner of Health and Human Services, the State Auditor and the State
17 Budget Officer shall provide information and assistance to the commission as required for
18 its duties.

19 7. No later than October 15, 2014, the commission shall submit a report that includes
20 its findings and recommendations, including suggested legislation, to the Blue Ribbon
21 Commission on Long-term Care established in this Act and to the Joint Standing
22 Committee on Health and Human Services. The joint standing committee of the
23 Legislature having jurisdiction over health and human services matters may report out a
24 bill regarding the subject matter of the report to the First Regular Session of the 127th
25 Legislature.

26 **Sec. 6. Blue Ribbon Commission on Long-term Care.** The Blue Ribbon
27 Commission on Long-term Care, referred to in this section as "the commission," is
28 established to review the State's plan for long-term care and the provision of long-term
29 care services in the community and in facilities.

30 1. The commission consists of 13 members appointed as follows:

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

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

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

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

SUMMARY

This bill implements the recommendations of the Commission To Study Long-term Care Facilities. The bill requires the Department of Health and Human Services to amend its rules governing reimbursement for nursing facilities under the MaineCare program with regard to facility base year, peer group upper limits, administrative and management cost ceiling, personnel health insurance costs, cost-of-living adjustments supplemental payments for nursing facilities whose MaineCare residents constitute more than 70% of their residents and increased acuity for dementia. The bill requires the Department of Health and Human Services to collect amounts overpaid to nursing facilities and private nonmedical institutions under the category of cost of care and to correct the computer problems that are leading to the overpayments. The bill requires the first \$10,000,000 of collected overpayments to be used to fund nursing facility reimbursement under the amended rules. The bill also establishes 2 study commissions: the Commission To Continue the Study of Long-term Care Facilities and the Blue Ribbon Commission on Long-term Care. No later than October 15, 2014, the Commission To Continue the Study of Long-term Care Facilities is required to submit a report that includes its findings and recommendations, including suggested legislation, to the Blue Ribbon Commission on Long-term Care and to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the First Regular Session of the 127th Legislature. No later than November 5, 2014, the Blue Ribbon Commission on Long-term Care is required to submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the First Regular Session of the 127th Legislature. The bill also includes an appropriations and allocations section to provide funds for reimbursement under the MaineCare program for nursing facilities.

HHS

LD 1776

**Blue Ribbon Commission
on Long-term Care**

1 the chairs may request authority and the Legislative Council may grant authority for the
2 commission to meet and conduct its business.

3 4. The commission shall study the following issues and the feasibility of making
4 policy changes to the long-term care system:

5 A. Funding for long-term care facilities, payment methods and the development of a
6 pay-for-performance program to encourage and reward strong performance by
7 nursing facilities;

8 B. Regulatory requirements other than staffing requirements and ratios;

9 C. Collaborative agreements with critical access hospitals for the purpose of sharing
10 resources;

11 D. The viability of privately owned facilities in rural communities;

12 E. The impact on rural populations of nursing home closures; and

13 F. Access to nursing facility services statewide.

14 5. The Legislative Council shall provide necessary staffing services to the
15 commission.

16 6. The Commissioner of Health and Human Services, the State Auditor and the State
17 Budget Officer shall provide information and assistance to the commission as required for
18 its duties.

19 7. No later than October 15, 2014, the commission shall submit a report that includes
20 its findings and recommendations, including suggested legislation, to the Blue Ribbon
21 Commission on Long-term Care established in this Act and to the Joint Standing
22 Committee on Health and Human Services. The joint standing committee of the
23 Legislature having jurisdiction over health and human services matters may report out a
24 bill regarding the subject matter of the report to the First Regular Session of the 127th
25 Legislature.

26 **Sec. 6. Blue Ribbon Commission on Long-term Care.** The Blue Ribbon
27 Commission on Long-term Care, referred to in this section as "the commission," is
28 established to review the State's plan for long-term care and the provision of long-term
29 care services in the community and in facilities.

30 1. The commission consists of 13 members appointed as follows:

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

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

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

- 1 (1) The director of a long-term care ombudsman program described under the
2 Maine Revised Statutes, Title 22, section 5106, subsection 11-C;
- 3 (2) The director of a statewide association representing long-term care facilities;
- 4 (3) A representative of a statewide organization representing consumer-directed
5 long-term care services;
- 6 (4) A representative of a statewide association representing area agencies on
7 aging;
- 8 (5) A representative of a statewide association providing legal services for the
9 elderly; and
- 10 (6) A representative of the Governor's office or the Governor's administration.
- 11 2. The first-named Senate member is the Senate chair and the first-named House of
12 Representatives member is the House chair of the commission.
- 13 3. All appointments must be made no later than 30 days following the effective date
14 of this Act. The appointing authorities shall notify the Executive Director of the
15 Legislative Council once all appointments have been completed. After appointment of all
16 members, the chairs shall call and convene the first meeting of the commission. If 30
17 days or more after the effective date of this Act a majority of but not all appointments
18 have been made, the chairs may request authority and the Legislative Council may grant
19 authority for the commission to meet and conduct its business.
- 20 4. The commission shall study the feasibility of developing or amending a state plan
21 for the provision of long-term care in the community and in facilities and shall:
 - 22 A. Review the existing plans and programs within the Department of Health and
23 Human Services for providing long-term care services in home-based and
24 community-based care settings and in nursing and residential care facilities;
 - 25 B. Develop a state plan for providing long-term care services in home-based and
26 community-based care settings and in nursing and residential care facilities in a
27 manner that provides dignity for clients and residents and is financially sustainable
28 for individuals and the MaineCare program; and
 - 29 C. Receive and consider recommendations from the Commission To Continue the
30 Study of Long-term Care Facilities established in this Act.
- 31 5. The Legislative Council shall provide necessary staffing services to the
32 commission, except as provided in subsection 7.
- 33 6. No later than November 5, 2014, the commission shall submit a report that
34 includes its findings and recommendations, including suggested legislation, to the Joint
35 Standing Committee on Health and Human Services. The joint standing committee of the
36 Legislature having jurisdiction over health and human services matters may report out a
37 bill regarding the subject matter of the report to the First Regular Session of the 127th
38 Legislature.

1 7. The commission may contract for staff and expert consultant services. The
2 commission shall seek funding contributions to fully fund the costs of contracted staff
3 and expert consultant services. All funding is subject to approval by the Legislative
4 Council in accordance with its policies. The commission may not meet unless outside
5 funding has been obtained and approval has been granted by the Legislative Council.

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

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

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

10 Initiative: Deappropriates funds for recovery of overpayments to providers due to errors
11 in calculating cost of care and for continued proper application of cost-of-care rules.

12			
13	GENERAL FUND	2013-14	2014-15
14	All Other	\$0	(\$10,000,000)
15			
16	GENERAL FUND TOTAL	<hr/> \$0	<hr/> (\$10,000,000)

17 **Nursing Facilities 0148**

18 Initiative: Provides funding for increased reimbursements under the MaineCare program
19 for nursing facilities.

20			
21	GENERAL FUND	2013-14	2014-15
22	All Other	\$0	\$10,000,000
23			
24	GENERAL FUND TOTAL	<hr/> \$0	<hr/> \$10,000,000

25			
26	FEDERAL EXPENDITURES FUND	2013-14	2014-15
27	All Other	\$0	\$16,176,296
28			
29	FEDERAL EXPENDITURES FUND TOTAL	<hr/> \$0	<hr/> \$16,176,296

30			
31	HEALTH AND HUMAN SERVICES,		
32	DEPARTMENT OF (FORMERLY DHS)		
33	DEPARTMENT TOTALS	2013-14	2014-15
34			
35	GENERAL FUND	\$0	\$0
36	FEDERAL EXPENDITURES FUND	\$0	\$16,176,296
37			
38	DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> \$16,176,296

IFS

HP 1136

**Maine Health Exchange
Advisory Committee**

**Joint Study Order, Establishing the
Maine Health Exchange Advisory Committee**

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. The legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized 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 Legislative Council on behalf of 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 Legislative Council on behalf of 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 4, 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 5, 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.

LCRED

LD 1458

**Commission to Study Business
Format Franchising**

STATE OF MAINE

**IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN**

H.P. 1043 - L.D. 1458

**Resolve, To Establish the Commission To Study Business Format
Franchising**

Sec. 1. Commission To Study Business Format Franchising established.
Resolved: That the Commission To Study Business Format Franchising, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 7 members as follows:

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

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

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

A. A Maine-based business format franchisee, selected from a list of not less than 3 individuals provided by a statewide association of franchisees; and

B. A representative of a business format franchisor doing business in this State, selected from a list of not less than 3 individuals provided by a national trade association representing franchisors and franchisees.

The Governor shall consider any recommendations submitted within 20 days of the effective date of this section; and

4. The Commissioner of Economic and Community Development or the commissioner'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 commission; 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:

1. The frequency of transfers of franchises in this State from a franchisee to a member of the franchisee's family, including but not limited to cases in which the franchisee dies or becomes incapacitated;
2. Legal issues raised with state franchise laws that require contract disputes to be subject to the jurisdiction of state courts;
3. The cancellation, termination and renewal terms of franchise agreements;
4. The impact of the imposition of the obligation to act in good faith on parties to a franchise agreement; and
5. The impact of the imposition of the requirement of reasonableness on terms and provisions of a franchise agreement.

In studying each of these issues, the commission shall discuss, among other things: whether the absence of business format franchise regulation in this State has resulted in unfair or unforeseen treatment of franchisors or franchisees; whether federal regulations and contractual agreements are effective or sufficient to address issues raised by franchisees; how other states regulate business format franchises; and any potential legal challenges that could be raised as a result of state regulation of business format franchises; 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. Report. Resolved: That, no later than November 5, 2014, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

LCRED

LD 1833

**Working Group on Improving
Protections for Injured Workers
Whose Employers Have
Wrongfully Not Secured
Workers' Compensation Insurance**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

S.P. 736 - L.D. 1833

**Resolve, Directing the Workers' Compensation Board To Further Study
Improving Protections for Injured Workers Whose Employers Have
Wrongfully Not Secured Workers' Compensation Insurance**

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 issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments is of great concern; and

Whereas, more time is needed to seek stakeholder input so that comprehensive legislation to address this issue may be finalized in time for presentation to the 127th Legislature; 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. Workers' Compensation Board to study and report. Resolved: That, notwithstanding Joint Rule 353, the Workers' Compensation Board shall convene a working group and conduct a study on the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments, including the prevalence of the problem and potential funding sources to address the problem, and report to the joint standing committee of the Legislature having jurisdiction over labor matters by February 1, 2015 with recommendations and draft implementing legislation to address this problem; and be it further

Sec. 2. Working group. Resolved: That the executive director of the Workers' Compensation Board shall convene the working group under section 1 as soon as practicable to assist the Workers' Compensation Board and shall serve as chair.

The working group consists of 2 members of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. The chairs of the joint standing committee may make recommendations for appointment of the 2 members to the

President of the Senate and the Speaker of the House of Representatives. The President of the Senate shall appoint one member of the Senate, and the Speaker of the House of Representatives shall appoint one member of the House of Representatives. Legislative members of the working group must be from each of the 2 parties holding the largest number of seats in the Legislature. The executive director shall appoint the following members:

1. One representative of the American Federation of Labor and Congress of Industrial Organizations;
 2. One representative of the Maine State Chamber of Commerce;
 3. One representative of the National Federation of Independent Business;
 4. One attorney who primarily represents injured workers;
 5. One former Workers' Compensation Board member;
 6. Two representatives of workers' compensation insurance carriers;
 7. One representative of the Workers' Compensation Coordinating Council of Maine;
- and
8. One representative of the construction industry.

The working group may request drafting assistance from the Legislative Council; and be it further

Sec. 3. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over labor matters may report out a bill to the First Regular Session of the 127th Legislature related to the report of the Workers' Compensation Board submitted pursuant to section 1.

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

TAX

LD 1754

**Study Group to Evaluate the Payment
of Motor Vehicle Excise Tax
by Public Utilities**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

H.P. 1259 - L.D. 1754

**Resolve, To Require a Study of the Payment of Motor Vehicle Excise Tax by
Public Utilities**

Sec. 1. Study group established. Resolved: That the Study Group to Evaluate the Payment of Motor Vehicle Excise Tax by Public Utilities, referred to in this resolve as "the study group," is established; and be it further

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

1. Three members of the Senate appointed by the President of the Senate, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature. Two of the appointees must be members of the Joint Standing Committee on Taxation, and one of the appointees must be a member of the Joint Standing Committee on Energy, Utilities and Technology; and

2. Two members of the House of Representatives appointed by the Speaker of the House, including one member from each of the 2 parties holding the largest number of seats in the Legislature. One appointee must be a member of the Joint Standing Committee on Taxation, and one appointee must be a member of the Joint Standing Committee on Energy, Utilities and Technology; and be it further

Sec. 3. Chair. Resolved: That the House member from the Joint Standing Committee on Taxation is the chair of the study group; and be it further

Sec. 4. Appointments; convening of study group. 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 chair shall call and convene the first meeting of the study group. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chair may request authority and the Legislative Council may grant authority for the study group to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the study group shall:

1. Compare the treatment with regard to taxation under the Maine Revised Statutes, Title 36, section 1484, subsection 3, paragraph C of:

A. Corporations described in Title 35-A, sections 2101 to 2104 that, under Title 36, section 1484, subsection 3, paragraph C, subparagraph (2), pay motor vehicle excise tax to the place in which the registered or main office of the corporation is located; and

B. Corporations that, under Title 36, section 1484, subsection 3, paragraph C, subparagraph (1), pay motor vehicle excise tax to the location of the permanent place of business where the vehicle is customarily kept;

2. Determine the fiscal impact on municipalities of requiring public utilities to pay motor vehicle excise tax to the location of a permanent place of business where a vehicle is customarily kept, including the administrative impact on municipalities where vehicles are customarily kept if new collection obligations are imposed; and

3. Analyze the public policies surrounding the payment of motor vehicle excise tax by corporations under Title 36, section 1484, subsection 3, paragraph C, including the impact of payment location on utility ratepayers, property tax payers and municipal budgets; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the study group. The Public Utilities Commission shall provide assistance to the study group in obtaining information regarding the impact of payment location on utility ratepayers. The Department of Administrative and Financial Services, Maine Revenue Services shall provide assistance to the study group in obtaining information from municipalities regarding fiscal and administrative impacts of the collection of motor vehicle excise tax on vehicles owned by public utilities; and be it further

Sec. 7. Report. Resolved: That, no later than November 5, 2014, the study group shall submit to the Joint Standing Committee on Taxation a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over taxation matters of the First Regular Session of the 127th Legislature.

VLA

LD 1856

**VLA Committee Meetings Related to
the Market Analysis Regarding the
Potential for Expanded Gaming
in the State**

C. Establishment of a tax rate or revenue distribution structure for a facility that ensures the facility's commercial viability balanced with maximizing revenue to the State or to funds the Legislature has prioritized for receipt of casino revenues;

D. Development of requirements for minimum capital investments and reinvestments;

E. Providing for an estimate of the impact of expanded gaming on existing casinos operating in the State; and

F. Establishment of a license fee for a facility that is representative of market value; and be it further

Sec. 3. Joint Standing Committee on Veterans and Legal Affairs authorized to meet; legislation. Resolved: That the Joint Standing Committee on Veterans and Legal Affairs is authorized to hold up to 4 meetings to consider the analysis and report described in section 2 and shall complete its work related to the report and develop any recommended legislation by December 3, 2014. The joint standing committee of the Legislature having jurisdiction over veterans and legal affairs is authorized to submit a bill, based on the report and any recommendations contained in the report, to the First Regular Session of the 127th Legislature; and be it further

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

LEGISLATURE

Legislature 0081

Initiative: Provides one-time funding for the purpose of entering into a contract with a firm experienced in providing consulting on casino-style gaming.

GENERAL FUND	2013-14	2014-15
All Other	\$0	\$150,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$150,000</u>

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

SUMMARY

This resolve is submitted by the Joint Standing Committee on Veterans and Legal Affairs pursuant to authority granted by Public Law 2011, chapter 699. The resolve directs the Executive Director of the Legislative Council to enter into a contract with an experienced gaming consulting firm to conduct an analysis of the potential market for expanded casino-style gaming in the State. The resolve requires the analysis and a report to be completed by September 1, 2014. The resolve authorizes the Joint Standing Committee on Veterans and Legal Affairs to hold up to 4 meetings to review the analysis

HHS

LD 1487

**OFPR to Contract with Non-partisan
Research Organization(s) for an
Evaluation of the Impact of the
MaineCare Expansion and a Health
Insurance Marketplace Report**

I. Beginning October 1, 2019, a person 19 or 20 years of age who is not otherwise eligible for medical assistance under this section, who qualifies for medical assistance pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) and whose income is equal to or below 133% of the nonfarm income official poverty line plus 5% for the applicable family size as required by federal law. A person eligible for medical assistance under this paragraph must receive the same coverage as is provided to a person eligible under paragraph E.

Sec. B-4. Contingent repeal. The Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I are repealed upon the earlier of the following:

1. The meeting of all of the following conditions:

A. The enhanced Federal Medical Assistance Percentage with respect to amounts expended for medical assistance for newly eligible Medicaid individuals described in 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) is reduced below 100% for any calendar quarter in 2014, 2015 or 2016;

B. The reduction in the enhanced Federal Medical Assistance Percentage described in paragraph A has taken effect; and

C. After the reduction of the enhanced Federal Medical Assistance Percentage as described in paragraphs A and B, the Legislature has convened and conducted a session of at least 30 calendar days; and

2. December 31, 2016.

PART C

Sec. C-1. Research organization evaluation. The Office of Fiscal and Program Review shall contract with a nonpartisan research organization, referred to in this section as "the research organization," to study the impact of the MaineCare expansion authorized in the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I on programs and services under this Part that do not currently receive Federal Medical Assistance Percentage matching funds or do not qualify for enhanced Federal Medical Assistance Percentage matching funds under the federal Patient Protection and Affordable Care Act, 42 United States Code, Section 18001, et seq., with the goal of identifying and maximizing General Fund savings. The Commissioner of Health and Human Services, the Commissioner of Corrections and the Executive Director of the State Board of Corrections shall provide to the research organization information and assistance requested for preparation of the evaluation. In evaluating the programs and services under this Part, the research organization shall at a minimum evaluate the impact on the following programs and services: the state-funded Mental Health Services - Community, Office of Substance Abuse and General Assistance - Reimbursement to Cities and Towns programs; the elderly low-cost drug program under Title 22, section 254-D; services provided for individuals 21 to 64 years of age who are currently eligible for MaineCare under the medically needy program; services provided under the State's demonstration project waiver under Section 1115 of the United States Social Security Act, 42 United States Code, Section 301, et seq., for individuals with HIV/AIDS; services provided for parents participating in family reunification activities;

services provided for disabled individuals 21 to 64 years of age with incomes below 139% of the federal poverty level as defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2); services provided to individuals awaiting a MaineCare disability determination who are subsequently determined disabled; services provided to individuals who would have been considered eligible on the basis of a disability but for whom the full determination process was not completed; and medical services provided to persons in the care and custody of the Department of Corrections or a county correctional facility. The research organization also shall examine the amount of payment for services that hospitals received during fiscal years 2014-15 and 2015-16 as a result of the expansion of MaineCare eligibility pursuant to Title 22, section 3174-G, subsection 1, paragraphs H and I. In addition, the research organization shall evaluate any savings and the impact on health outcomes achieved through initiatives implemented pursuant to the state innovation models initiative grant.

The research organization shall report twice, no later than February 15, 2015 and February 15, 2016, respectively, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the amount of General Fund savings resulting from the MaineCare expansion authorized in Title 22, section 3174-G, subsection 1, paragraphs H and I and by the research organization pursuant to this section. The reports must include the amount of savings expected and realized during fiscal years 2014-15 and 2015-16 by service area or program, the amount deposited in the MaineCare Stabilization Fund pursuant to section 3 of this Part and the amount of savings projected to be achieved through fiscal year 2020-21 by service area or program.

Sec. C-2. Health insurance marketplace report. The Office of Fiscal and Program Review shall contract with a nonpartisan research organization to examine the financial feasibility of providing health care coverage to newly eligible MaineCare members through a health insurance marketplace in a manner similar to that of Medicaid expansion coverage in Arkansas or Iowa and the feasibility of establishing a state basic health program similar to Washington's basic health plan. The Office of Fiscal and Program Review shall report by February 15, 2015 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the feasibility of providing health care coverage to newly eligible MaineCare members through a health insurance marketplace in a manner similar to that of Medicaid expansion coverage in Arkansas or Iowa and the feasibility of establishing a state basic health program similar to Washington's basic health plan.

Sec. C-3. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in this Part that applies against each General Fund account statewide as a result of the expansion of MaineCare eligibility authorized in the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I and shall transfer the amounts up to the amounts specified in section 5 of this Part by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2014-15. The

State Controller shall transfer any amounts identified under this Part greater than the amounts specified in section 5 of this Part to the MaineCare Stabilization Fund established under Title 22, section 3174-KK. The State Budget Officer shall provide a report of the transferred amounts to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than April 30, 2015 for fiscal year 2014-15 and shall submit adjustments to baseline budget requests totaling no less than \$11,800,000 per year to reflect the continuation of the identified savings in the 2016-2017 biennium.

Sec. C-4. Review and responsibility. Following receipt of the reports from the research organization as required under section 1 of this Part, the joint standing committee of the Legislature having jurisdiction over health and human services matters shall review the information provided in the reports and shall determine if the net cost to the General Fund of providing coverage under the MaineCare program to individuals pursuant to the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I exceeds the savings to the General Fund, including any amount deposited in the MaineCare Stabilization Fund pursuant to section 3 of this Part, due to the expansion of coverage for those individuals. Following its review of the report received on February 15, 2016 pursuant to section 2 of this Part the joint standing committee may report out a bill to the Second Regular Session of the 127th Legislature regarding determinations and conclusions of the report.

Sec. C-5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Deappropriates funds on a statewide basis for initial savings to be identified under this Part in existing state programs that result from the expansion of MaineCare eligibility.

GENERAL FUND	2013-14	2014-15
Unallocated	\$0	(\$5,900,000)
GENERAL FUND TOTAL	\$0	(\$5,900,000)

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF
DEPARTMENT TOTALS**

	2013-14	2014-15
GENERAL FUND	\$0	(\$5,900,000)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$5,900,000)

LEGISLATURE

HHS

LD 1578

**OFPR to Contract with Non-partisan
Research Organization(s) for an
Evaluation of the Impact of the
MaineCare Expansion and a Health
Insurance Marketplace Report**

1 (2) A child under 21 years of age;

2 **Sec. A-3. 22 MRSA §3174-G, sub-§1, ¶¶H and I** are enacted to read:

3 H. Beginning July 1, 2014, a person 21 to 64 years of age who is not otherwise
 4 eligible for medical assistance under this section, who qualifies for medical assistance
 5 pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) and whose
 6 income is equal to or below 133% of the nonfarm income official poverty line plus
 7 5% for the applicable family size as required by federal law. A person eligible for
 8 medical assistance under this paragraph must receive the same coverage as is
 9 provided to a person eligible under paragraph E; and

10 I. Beginning October 1, 2019, a person 19 or 20 years of age who is not otherwise
 11 eligible for medical assistance under this section, who qualifies for medical assistance
 12 pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) and whose
 13 income is equal to or below 133% of the nonfarm income official poverty line plus
 14 5% for the applicable family size as required by federal law. A person eligible for
 15 medical assistance under this paragraph must receive the same coverage as is
 16 provided to a person eligible under paragraph E.

17 **Sec. A-4. Contingent repeal.** The Maine Revised Statutes, Title 22, section
 18 3174-G, subsection 1, paragraphs H and I are repealed upon the earlier of the following:

19 1. The meeting of all of the following conditions:

20 A. The enhanced Federal Medical Assistance Percentage with respect to amounts
 21 expended for medical assistance for newly eligible Medicaid individuals described in
 22 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) is reduced below 100% for
 23 any calendar quarter in 2014, 2015 or 2016;

24 B. The reduction in the enhanced Federal Medical Assistance Percentage described in
 25 paragraph A has taken effect; and

26 C. After the reduction of the enhanced Federal Medical Assistance Percentage as
 27 described in paragraphs A and B, the Legislature has convened and conducted a
 28 session of at least 30 calendar days; and

29 2. December 31, 2016.

30 **PART B**

31 **Sec. B-1. Research organization evaluation.** The Office of Fiscal and
 32 Program Review shall contract with a nonpartisan research organization, referred to in
 33 this section as "the research organization," to study the impact of the MaineCare
 34 expansion authorized in the Maine Revised Statutes, Title 22, section 3174-G, subsection
 35 1, paragraphs H and I on programs and services under this Part that do not currently
 36 receive Federal Medical Assistance Percentage matching funds or do not qualify for
 37 enhanced Federal Medical Assistance Percentage matching funds under the federal
 38 Patient Protection and Affordable Care Act, 42 United States Code, Section 18001, et
 39 seq., with the goal of identifying and maximizing General Fund savings. The
 40 Commissioner of Health and Human Services, the Commissioner of Corrections and the
 41 Executive Director of the State Board of Corrections shall provide to the research

organization information and assistance requested for preparation of the evaluation. In evaluating the programs and services under this Part, the research organization shall at a minimum evaluate the impact on the following programs and services: the state-funded Mental Health Services - Community, Office of Substance Abuse and General Assistance - Reimbursement to Cities and Towns programs; the elderly low-cost drug program under Title 22, section 254-D; services provided for individuals 21 to 64 years of age who are currently eligible for MaineCare under the medically needy program; services provided under the State's demonstration project waiver under Section 1115 of the United States Social Security Act, 42 United States Code, Section 301, et seq., for individuals with HIV/AIDS; services provided for parents participating in family reunification activities; services provided for disabled individuals 21 to 64 years of age with incomes below 139% of the federal poverty level as defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2); services provided to individuals awaiting a MaineCare disability determination who are subsequently determined disabled; services provided to individuals who would have been considered eligible on the basis of a disability but for whom the full determination process was not completed; and medical services provided to persons in the care and custody of the Department of Corrections or a county correctional facility. The research organization also shall examine the amount of payment for services that hospitals received during fiscal years 2014-15 and 2015-16 as a result of the expansion of MaineCare eligibility pursuant to Title 22, section 3174-G, subsection 1, paragraphs H and I. In addition, the research organization shall evaluate any savings and the impact on health outcomes achieved through initiatives implemented pursuant to the state innovation models initiative grant.

The research organization shall report twice, no later than February 15, 2015 and February 15, 2016, respectively, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the amount of General Fund savings resulting from the MaineCare expansion authorized in Title 22, section 3174-G, subsection 1, paragraphs H and I and by the research organization pursuant to this section. The reports must include the amount of savings expected and realized during fiscal years 2014-15 and 2015-16 by service area or program, the amount deposited in the MaineCare Stabilization Fund pursuant to section 3 of this Part and the amount of savings projected to be achieved through fiscal year 2020-21 by service area or program.

Sec. B-2. Health insurance marketplace report. The Office of Fiscal and Program Review shall contract with a nonpartisan research organization to examine the financial feasibility of providing health care coverage to newly eligible MaineCare members through a health insurance marketplace in a manner similar to that of Medicaid expansion coverage in Arkansas or Iowa and the feasibility of establishing a state basic health program similar to Washington's basic health plan. The Office of Fiscal and Program Review shall report by February 15, 2015 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the feasibility of providing health care coverage to newly eligible MaineCare members through a health insurance marketplace in a manner similar to that of Medicaid expansion

coverage in Arkansas or Iowa and the feasibility of establishing a state basic health program similar to Washington's basic health plan.

Sec. B-3. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in this Part that applies against each General Fund account statewide as a result of the expansion of MaineCare eligibility authorized in the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I and shall transfer the amounts up to the amounts specified in section 5 of this Part by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2014-15. The State Controller shall transfer any amounts identified under this Part greater than the amounts specified in section 5 of this Part to the MaineCare Stabilization Fund established under Title 22, section 3174-KK. The State Budget Officer shall provide a report of the transferred amounts to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than April 30, 2015 for fiscal year 2014-15 and shall submit adjustments to baseline budget requests totaling no less than \$11,800,000 per year to reflect the continuation of the identified savings in the 2016-2017 biennium.

Sec. B-4. Review and responsibility. Following receipt of the reports from the research organization as required under section 1 of this Part, the joint standing committee of the Legislature having jurisdiction over health and human services matters shall review the information provided in the reports and shall determine if the net cost to the General Fund of providing coverage under the MaineCare program to individuals pursuant to the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I exceeds the savings to the General Fund, including any amount deposited in the MaineCare Stabilization Fund pursuant to section 3 of this Part, due to the expansion of coverage for those individuals. Following its review of the report received on February 15, 2016 pursuant to section 2 of this Part the joint standing committee may report out a bill to the Second Regular Session of the 127th Legislature regarding determinations and conclusions of the report.

Sec. B-5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Deappropriates funds on a statewide basis for initial savings to be identified under this Part in existing state programs that result from the expansion of MaineCare eligibility.

GENERAL FUND	2013-14	2014-15
Unallocated	\$0	(\$5,900,000)
GENERAL FUND TOTAL	\$0	(\$5,900,000)

HHS

LD 1640

**OFPR to Contract with Non-partisan
Research Organization(s) for an
Evaluation of the Impact of the
MaineCare Expansion and a Health
Insurance Marketplace Report**

G. A person who is a noncitizen legally admitted to the United States to the extent that coverage is allowable by federal law if the person is:

- (1) A woman during her pregnancy and up to 60 days following delivery; or
- (2) A child under 21 years of age;

Sec. A-3. 22 MRSA §3174-G, sub-§1, ¶¶H and I are enacted to read:

H. Beginning July 1, 2014, a person 21 to 64 years of age who is not otherwise eligible for medical assistance under this section, who qualifies for medical assistance pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) and whose income is equal to or below 133% of the nonfarm income official poverty line plus 5% for the applicable family size as required by federal law. A person eligible for medical assistance under this paragraph must receive the same coverage as is provided to a person eligible under paragraph E; and

I. Beginning October 1, 2019, a person 19 or 20 years of age who is not otherwise eligible for medical assistance under this section, who qualifies for medical assistance pursuant to 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) and whose income is equal to or below 133% of the nonfarm income official poverty line plus 5% for the applicable family size as required by federal law. A person eligible for medical assistance under this paragraph must receive the same coverage as is provided to a person eligible under paragraph E.

Sec. A-4. Contingent repeal. The Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I are repealed upon the earlier of the following:

1. The meeting of all of the following conditions:

A. The enhanced Federal Medical Assistance Percentage with respect to amounts expended for medical assistance for newly eligible Medicaid individuals described in 42 United States Code, Section 1396a(a)(10)(A)(i)(VIII) is reduced below 100% for any calendar quarter in 2014, 2015 or 2016;

B. The reduction in the enhanced Federal Medical Assistance Percentage described in paragraph A has taken effect; and

C. After the reduction of the enhanced Federal Medical Assistance Percentage as described in paragraphs A and B, the Legislature has convened and conducted a session of at least 30 calendar days; and

2. December 31, 2016.

PART B

Sec. B-1. Research organization evaluation. The Office of Fiscal and Program Review shall contract with a nonpartisan research organization, referred to in this section as "the research organization," to study the impact of the MaineCare expansion authorized in the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraphs H and I on programs and services under this Part that do not currently receive Federal Medical Assistance Percentage matching funds or do not qualify for enhanced Federal Medical Assistance Percentage matching funds under the federal

Patient Protection and Affordable Care Act, 42 United States Code, Section 18001, et seq., with the goal of identifying and maximizing General Fund savings. The Commissioner of Health and Human Services, the Commissioner of Corrections and the Executive Director of the State Board of Corrections shall provide to the research organization information and assistance requested for preparation of the evaluation. In evaluating the programs and services under this Part, the research organization shall at a minimum evaluate the impact on the following programs and services: the state-funded Mental Health Services - Community, Office of Substance Abuse and General Assistance - Reimbursement to Cities and Towns programs; the elderly low-cost drug program under Title 22, section 254-D; services provided for individuals 21 to 64 years of age who are currently eligible for MaineCare under the medically needy program; services provided under the State's demonstration project waiver under Section 1115 of the United States Social Security Act, 42 United States Code, Section 301, et seq., for individuals with HIV/AIDS; services provided for parents participating in family reunification activities; services provided for disabled individuals 21 to 64 years of age with incomes below 139% of the federal poverty level as defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2); services provided to individuals awaiting a MaineCare disability determination who are subsequently determined disabled; services provided to individuals who would have been considered eligible on the basis of a disability but for whom the full determination process was not completed; and medical services provided to persons in the care and custody of the Department of Corrections or a county correctional facility. The research organization also shall examine the amount of payment for services that hospitals received during fiscal years 2014-15 and 2015-16 as a result of the expansion of MaineCare eligibility pursuant to Title 22, section 3174-G, subsection 1, paragraphs H and I. In addition, the research organization shall evaluate any savings and the impact on health outcomes achieved through initiatives implemented pursuant to the state innovation models initiative grant.

The research organization shall report twice, no later than February 15, 2015 and February 15, 2016, respectively, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the amount of General Fund savings resulting from the MaineCare expansion authorized in Title 22, section 3174-G, subsection 1, paragraphs H and I and by the research organization pursuant to this section. The reports must include the amount of savings expected and realized during fiscal years 2014-15 and 2015-16 by service area or program, the amount deposited in the MaineCare Stabilization Fund pursuant to section 3 of this Part and the amount of savings projected to be achieved through fiscal year 2020-21 by service area or program.

Sec. B-2. Health insurance marketplace report. The Office of Fiscal and Program Review shall contract with a nonpartisan research organization to examine the financial feasibility of providing health care coverage to newly eligible MaineCare members through a health insurance marketplace in a manner similar to that of Medicaid expansion coverage in Arkansas or Iowa and the feasibility of establishing a state basic health program similar to Washington's basic health plan. The Office of Fiscal and Program Review shall report by February 15, 2015 to the joint standing committee of the

1 Legislature having jurisdiction over health and human services matters regarding the
2 feasibility of providing health care coverage to newly eligible MaineCare members
3 through a health insurance marketplace in a manner similar to that of Medicaid expansion
4 coverage in Arkansas or Iowa and the feasibility of establishing a state basic health
5 program similar to Washington's basic health plan.

6 **Sec. B-3. Calculation and transfer.** Notwithstanding any other provision of
7 law, the State Budget Officer shall calculate the amount of savings identified in this Part
8 that applies against each General Fund account statewide as a result of the expansion of
9 MaineCare eligibility authorized in the Maine Revised Statutes, Title 22, section 3174-G,
10 subsection 1, paragraphs H and I and shall transfer the amounts up to the amounts
11 specified in section 5 of this Part by financial order upon the approval of the Governor.
12 These transfers are considered adjustments to appropriations in fiscal year 2014-15. The
13 State Controller shall transfer any amounts identified under this Part greater than the
14 amounts specified in section 5 of this Part to the MaineCare Stabilization Fund
15 established under Title 22, section 3174-KK. The State Budget Officer shall provide a
16 report of the transferred amounts to the joint standing committee of the Legislature
17 having jurisdiction over appropriations and financial affairs no later than April 30, 2015
18 for fiscal year 2014-15 and shall submit adjustments to baseline budget requests totaling
19 no less than \$11,800,000 per year to reflect the continuation of the identified savings in
20 the 2016-2017 biennium.

21 **Sec. B-4. Review and responsibility.** Following receipt of the reports from the
22 research organization as required under section 1 of this Part, the joint standing
23 committee of the Legislature having jurisdiction over health and human services matters
24 shall review the information provided in the reports and shall determine if the net cost to
25 the General Fund of providing coverage under the MaineCare program to individuals
26 pursuant to the Maine Revised Statutes, Title 22, section 3174-G, subsection 1,
27 paragraphs H and I exceeds the savings to the General Fund, including any amount
28 deposited in the MaineCare Stabilization Fund pursuant to section 3 of this Part, due to
29 the expansion of coverage for those individuals. Following its review of the report
30 received on February 15, 2016 pursuant to section 2 of this Part the joint standing
31 committee may report out a bill to the Second Regular Session of the 127th Legislature
32 regarding determinations and conclusions of the report.

33 **Sec. B-5. Appropriations and allocations.** The following appropriations and
34 allocations are made.

35 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
36 **Executive Branch Departments and Independent Agencies - Statewide 0017**

37 Initiative: Deappropriates funds on a statewide basis for initial savings to be identified
38 under this Part in existing state programs that result from the expansion of MaineCare
39 eligibility.

40	GENERAL FUND	2013-14	2014-15
41	Unallocated	\$0	(\$5,900,000)
42			

MWEF

LD 1746

**State Education and Employment
Outcomes Task Force
(on-going board)**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

H.P. 1253 - L.D. 1746

An Act To Facilitate Informed Planning for Higher Education and Careers

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

Sec. 1. 5 MRSA §12004-G, sub-§10-E is enacted to read:

10-E.

Education

State Education and

Expenses Only

20-A MRSA §12901

Employment

Outcomes Task

Force

Sec. 2. 20-A MRSA c. 437 is enacted to read:

CHAPTER 437

STATE EDUCATION AND EMPLOYMENT OUTCOMES TASK FORCE

§12901. State Education and Employment Outcomes Task Force

1. Task force established. The State Education and Employment Outcomes Task Force, established in Title 5, section 12004-G, subsection 10-E and referred to in this chapter as "the task force," is established to develop procedures to maintain and disseminate information and data from the Department of Labor's educational outcome database, referred to in this chapter as "the database," including but not limited to information and data on education results, program completion, graduation, credentials earned and employment and earnings outcomes for graduates of postsecondary educational institutions in the State over time.

2. Membership. The task force consists of 15 members as follows:

A. Four members appointed by the President of the Senate as follows:

(1) Two members of the Senate, one from each of the 2 parties holding the largest number of seats in the Legislature;

(2) A representative from the University of Maine System; and

(3) A representative from the Maine School Management Association or a successor organization;

B. Three members appointed by the Speaker of the House as follows:

(1) Two members of the House of Representatives, one from each of the 2 parties holding the largest number of seats in the Legislature; and

(2) A representative from the Maine Community College System;

C. Four members appointed by the Governor as follows:

(1) A representative from the Maine Maritime Academy;

(2) A representative from a private postsecondary educational institution in the State;

(3) A representative from the Maine State Chamber of Commerce or a successor organization; and

(4) A person with expertise in state and national higher education policy;

D. The Commissioner of Education or the commissioner's designee;

E. The Commissioner of Labor or the commissioner's designee;

F. The administrator of the database or the administrator's designee; and

G. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee.

3. Meetings. The task force may meet no more than 4 times per calendar year.

4. Chairs. 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.

5. Terms of appointment. Nonlegislative appointed members of the task force are appointed for terms of 3 years and may serve beyond their designated terms until their successors are appointed. Terms of appointment of Legislators coincide with their respective legislative terms of office.

6. Staffing. The Legislative Council shall provide staff support to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. The Department of Education and the Department of Labor shall provide assistance and information to the task force as is consistent with the departments' current federal grants related to the work of the task force and to the extent time and funding allow as determined by the departments.

7. Duties. The task force shall:

A. Review procedures to maintain and disseminate information regarding the employment and earnings of graduates of postsecondary educational institutions in the State based on the database;

B. Advise on the use of the information provided in the database by state agencies, higher education organizations that have partnerships with the task force, local school systems and the public;

C. Make recommendations regarding the design and content of a website jointly hosted by the Department of Education and the Department of Labor that provides maximum information to the public regarding higher education and employment;

D. Identify a viable long-term funding method to maintain the database;

E. Produce recommendations for the Department of Education regarding how to provide relevant, timely information to secondary school students who are making higher education decisions;

F. Address any issues that may arise from the use or impact of the database; and

G. Explore the feasibility of and possible methods for including data from the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation regarding licensure, as well as data covering other workforce credentials, into the database.

8. Reports; legislation. The task force shall report to the joint standing committee of the Legislature having jurisdiction over education matters, the joint standing committee of the Legislature having jurisdiction over labor matters and the joint select or joint standing committee of the Legislature having jurisdiction over workforce training matters by November 1st each year on the status of the database. The reports must describe funding sources for the database and the sustainability of that funding, how the website under subsection 7, paragraph C is used, including by whom and how frequently they use it, efforts to incorporate its use into secondary schools and any other issues the task force determines necessary. The task force shall as part of its report recommend whether the task force should continue its work, or if its work could best be handled by another entity. If the task force recommends that the task force should continue its work, it shall recommend any suggested changes in the membership and size of the task force. The task force may submit with the reports legislation required to implement its recommendations.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides funding for the per diem and expenses of Legislators serving on the State Education and Employment Outcomes Task Force and other miscellaneous costs associated with the task force.

GENERAL FUND	2013-14	2014-15
Personal Services	\$0	\$880
All Other	\$0	\$1,620

GENERAL FUND TOTAL

\$0

\$2,500

CJPS

LD 1765

Criminal Law Revision Commission

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

S.P. 700 - L.D. 1765

An Act To Establish the Criminal Law Revision Commission

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

Sec. 1. 5 MRSA §12004-I, sub-§52-C is enacted to read:

52-C.

Judiciary:
Criminal Law

Criminal Law
Revision
Commission

Legislative Per
Diem and Expenses
for Legislators and
Expenses Only for
Other Members

17-A MRSA §1371

This subsection is repealed October 1, 2017.

Sec. 2. 17-A MRSA c. 56 is enacted to read:

CHAPTER 56

CRIMINAL LAW REVISION COMMISSION

§1371. Establishment

The Criminal Law Revision Commission, referred to in this chapter as "the commission," is established in Title 5, section 12004-I, subsection 52-C.

§1372. Purposes

The commission is established to examine all criminal statutes within the Maine Revised Statutes and the administration of those statutes to assess their clarity and consistency, the proportionality of penalties to offenses and the effectuation of policy objectives.

§1373. Membership; terms; vacancies

1. Members. The commission consists of the following members:

A. The following 11 voting members:

(1) Two members of the Senate, representing 2 political parties, who are members of the joint standing committee of the Legislature having jurisdiction over criminal justice matters, one appointed by the President of the Senate and one appointed by the Senate Minority Leader;

(2) Two members of the House of Representatives, representing 2 political parties, who are members of the joint standing committee of the Legislature having jurisdiction over criminal justice matters, one appointed by the Speaker of the House and one appointed by the House Minority Leader;

(3) Two members appointed by the Governor;

(4) The Attorney General or the Attorney General's designee;

(5) A member of the judicial branch who is not a judge or a justice, appointed by the Chief Justice of the Supreme Judicial Court;

(6) The chair of the Criminal Law Advisory Commission or the chair's designee;

(7) A representative of the statewide criminal defense association with the largest membership of criminal defense attorneys in the State, appointed by the President of the Senate; and

(8) A representative of a statewide prosecutors association, appointed by the Speaker of the House; and

B. Two nonvoting members who are active or retired judges or justices, appointed by the Chief Justice of the Supreme Judicial Court.

2. Chairs. The Senate member appointed by the President of the Senate and the House of Representatives member appointed by the Speaker of the House are cochairs of the commission. The commission may appoint other officers as necessary and make rules for orderly procedure.

3. Terms and vacancies. Except for Legislators and the Attorney General, who serve terms coincident with their elective offices or appointment terms, all members serve for 3-year terms and may be reappointed. A vacancy must be filled by the same appointing authority that made the original appointment. Members may continue to serve until their replacements are designated. A member may designate an alternate to serve on a temporary basis.

4. Quorum. Six voting members of the commission constitute a quorum.

§1374. Powers and duties

1. Duties. The commission:

A. Shall meet at least twice annually;

B. Shall examine the State's criminal laws for the purposes of their clarification to facilitate just and expedient resolutions of criminal prosecutions and to resolve or prevent statutory or policy conflicts;

C. Shall examine statutory definitions of crimes for the purpose of their consolidation;

D. Shall examine mandatory minimum and administrative penalties and costs related to crimes for policy continuity and issues surrounding the fair administration and implementation of those penalties;

E. Except for sentencing guidelines, may examine any other aspects of the State's criminal laws that may be relevant, including, but not limited to, substantive, procedural and administrative matters; and

F. Whenever the commission determines appropriate, shall seek the advice of experts, including, but not limited to, representatives of executive branch departments and nongovernmental entities, in fields related to the commission's duties and may establish advisory groups to provide research, technical and policy support.

2. Legislation. The commission may submit legislation to the Legislature to effectuate its recommendations pursuant to section 1375.

§1375. Report to Legislature and other entities

The commission shall submit to each second regular session of the Legislature its findings and recommendations for changes to the criminal laws and related provisions as the commission determines appropriate, including policy recommendations. The commission may also make recommendations to the Chief Justice of the Supreme Judicial Court, the Advisory Committee on Criminal Rules and the Criminal Law Advisory Commission and to any other organization or committee whose affairs pertain to the criminal justice system.

§1376. Chief counsel; support staff; adequate funding requirement

The Legislature, through the commission, shall contract for the following:

1. Chief counsel. A chief counsel, who has the responsibility for legal research and drafting as required in connection with the review and revision of the State's criminal laws, under the direction and supervision of the commission. The chief counsel must by virtue of prior training, experience, ability and reputation clearly demonstrate the ability to perform tasks assigned by the commission; and

2. Support staff. Support staff, which, to the extent funding permits, must provide year-round staffing support to the commission and the chief counsel. In the event funding does not permit adequate support staff, the commission may request support staff from the Legislative Council, except that Legislative Council staffing support is not authorized when the Legislature is in regular or special session. The commission may not request staffing support from the Legislative Council unless a chief counsel has been contracted pursuant to this section.

Notwithstanding the requirements of this chapter, if a majority of the commission determines that adequate funding and staffing support are not available to fully and effectively carry out the commission's duties, the commission shall postpone operations until such time as sufficient funding and staffing become available. The commission shall notify the Legislature in writing at least 30 days prior to postponing activities that it no longer has sufficient funding to continue its work.

§1377. Accounting; outside funding

All funds appropriated, allocated or otherwise provided to the commission must be deposited in an account separate from all other funds of the Legislature and are nonlapsing. Funds in the account may be used only for the purposes of the commission. The commission may seek and accept outside funding, including, but not limited to, federal funds, to fulfill commission duties. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council, along with an accounting that includes the amount received, the date that amount was received, from whom that amount was received, the purpose of the donation and any limitation on use of the funds. The executive director shall administer all funds received in accordance with this section. At the beginning of each fiscal year, and at any other time at the request of the cochairs of the commission, the executive director shall provide to the commission an accounting of all funds, including funds for staffing, available to the commission.

§1378. Compensation

Legislators who are members of the commission are entitled to receive the legislative per diem and expenses as defined in Title 3, section 2 for their attendance to their duties under this chapter. Other members are entitled to receive reimbursement of necessary expenses if they are not otherwise reimbursed by their employers or others whom they represent.

§1379. Repeal

This chapter is repealed on October 1, 2017.

Sec. 3. Initial work. Notwithstanding the Maine Revised Statutes, Title 17-A, chapter 56, which specifies the Criminal Law Revision Commission must examine all the State's criminal statutes within the Maine Revised Statutes, the commission shall initially examine only Title 17-A and report its findings and recommendations to the Second Regular Session of the 127th Legislature.

Sec. 4. Staggered terms and specific appointments. Notwithstanding the Maine Revised Statutes, Title 17-A, section 1373, members initially appointed to the Criminal Law Revision Commission are appointed as follows.

1. The appointments by the Governor are for terms of one year.
2. The appointment by the President of the Senate of a representative from a statewide criminal defense association must be of a member of the Maine Association of

Criminal Defense Lawyers recommended by that association, and that appointment is for a term of 2 years.

3. The appointment by the Speaker of the House of a representative from a statewide prosecutors association must be of a member of the Maine Prosecutors Association recommended by that association, and that appointment is for a term of 2 years.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Criminal Law Revision Commission N173

Initiative: Provides funds to contract for staff assistance for the Criminal Law Revision Commission, which includes a \$155,000 one-time appropriation and \$2,500 of ongoing funding. These funds may not lapse but must be carried forward for the same purpose.

GENERAL FUND	2013-14	2014-15
All Other	\$0	\$157,500
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$157,500</u>

Criminal Law Revision Commission N173

Initiative: Provides funding for the per diem and expenses of the Legislators serving on the Criminal Law Revision Commission.

GENERAL FUND	2013-14	2014-15
Personal Services	\$0	\$440
All Other	\$0	\$560
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,000</u>

LEGISLATURE

DEPARTMENT TOTALS

	2013-14	2014-15
GENERAL FUND	\$0	\$158,500
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$158,500</u>

VLA

LD 1856

**Legislative Council Contract with a
Consulting Firm for Market Analysis
Regarding the Potential for Expanded
Gaming in the State**



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1856

H.P. 1343

House of Representatives, April 9, 2014

**Resolve, To Conduct a Market Analysis Regarding the Feasibility of
Expanded Gaming in Maine**

(EMERGENCY)

Reported by the Majority from the Joint Standing Committee on Veterans and Legal
Affairs pursuant to Public Law 2011, chapter 699, section 3, subsection 5.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

3 **Whereas,** development of a statewide gaming policy is critical in light of recent
4 expansion of casino-style gaming in northern New England; and

5 **Whereas,** proposals for expanded gaming in Maine should be based on an objective
6 analysis of what is feasible within the existing market; and

7 **Whereas,** a market analysis will provide the Legislature with valuable information
8 as it considers future proposals for expanded gaming in Maine; and

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

13 **Sec. 1. Department of Public Safety, Gambling Control Board to transfer**
14 **funds. Resolved:** That the executive director of the Gambling Control Board within
15 the Department of Public Safety shall transfer \$150,000 from the Gambling Control
16 Board administrative expenses Other Special Revenue Funds account to the General Fund
17 unappropriated surplus. The transfer made pursuant to this section must be made no later
18 than October 1, 2014; and be it further

19 **Sec. 2. Legislative Council to contract for market analysis regarding the**
20 **potential for expanded gaming in the State. Resolved:** That the Legislative
21 Council, through the Executive Director of the Legislative Council, shall contract with a
22 qualified consulting firm that has, within the last 12 months, provided consulting
23 regarding legislative proposals for expanded gaming in New England, to conduct an
24 analysis of the potential market for expanded casino-style gaming in the State. The
25 executive director shall arrange for the analysis to be completed and a report submitted to
26 the Joint Standing Committee on Veterans and Legal Affairs no later than September 1,
27 2014. The executive director shall ensure that the contract requires the consulting firm to
28 provide an analysis that considers the following:

29 1. The current regional gaming market's capacity for additional casino-style gaming
30 facilities in the State, considering all existing facilities where wagering is currently
31 conducted in the State and the potential or imminent establishment of casino facilities in
32 Massachusetts and New Hampshire; and

33 2. If a market exists:

34 A. The best location for an additional casino-style gaming facility or facilities in the
35 State;

36 B. The scope of a facility or facilities that will best serve the objective of promotion
37 of economic development in a region where a facility may be located, with a focus on
38 job creation and increased tourism;

- 1 C. Establishment of a tax rate or revenue distribution structure for a facility that
- 2 ensures the facility's commercial viability balanced with maximizing revenue to the
- 3 State or to funds the Legislature has prioritized for receipt of casino revenues;
- 4 D. Development of requirements for minimum capital investments and
- 5 reinvestments;
- 6 E. Providing for an estimate of the impact of expanded gaming on existing casinos
- 7 operating in the State; and
- 8 F. Establishment of a license fee for a facility that is representative of market value;
- 9 and be it further

10 **Sec. 3. Joint Standing Committee on Veterans and Legal Affairs**
 11 **authorized to meet; legislation. Resolved:** That the Joint Standing Committee on
 12 Veterans and Legal Affairs is authorized to hold up to 4 meetings to consider the analysis
 13 and report described in section 2 and shall complete its work related to the report and
 14 develop any recommended legislation by December 3, 2014. The joint standing
 15 committee of the Legislature having jurisdiction over veterans and legal affairs is
 16 authorized to submit a bill, based on the report and any recommendations contained in the
 17 report, to the First Regular Session of the 127th Legislature; and be it further

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

20 **LEGISLATURE**

21 **Legislature 0081**

22 Initiative: Provides one-time funding for the purpose of entering into a contract with a
 23 firm experienced in providing consulting on casino-style gaming.

24	GENERAL FUND	2013-14	2014-15
25	All Other	\$0	\$150,000
26			
27	GENERAL FUND TOTAL	\$0	\$150,000

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

30 **SUMMARY**

31 This resolve is submitted by the Joint Standing Committee on Veterans and Legal
 32 Affairs pursuant to authority granted by Public Law 2011, chapter 699. The resolve
 33 directs the Executive Director of the Legislative Council to enter into a contract with an
 34 experienced gaming consulting firm to conduct an analysis of the potential market for
 35 expanded casino-style gaming in the State. The resolve requires the analysis and a report
 36 to be completed by September 1, 2014. The resolve authorizes the Joint Standing
 37 Committee on Veterans and Legal Affairs to hold up to 4 meetings to review the analysis

1 and authorizes the joint standing committee of the Legislature having jurisdiction over
2 veterans and legal affairs to report out legislation to the First Regular Session of the 127th
3 Legislature.

4 The resolve transfers \$150,000 from the Gambling Control Board administrative
5 expenses Other Special Revenue Funds account to the General Fund and transfers
6 \$150,000 to the Legislative Council from the General Fund to fund the contract.

Revised: 04/07/14 *MAC***126th MAINE LEGISLATURE****LD 1856****LR 2893(01)****Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine**

Fiscal Note for Original Bill
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$150,000	\$0	\$0
Revenue				
Other Special Revenue Funds	\$0	(\$150,000)	\$0	\$0
Transfers				
General Fund	\$0	\$150,000	\$0	\$0

Legislative Cost/Study

This bill authorizes the Joint Standing Committee on Veterans and Legal Affairs to meet up to 4 times during the interim. The projected costs of these meetings are \$7,500 in fiscal year 2014-15. The Legislature's proposed budget includes \$10,000 in fiscal year 2014-15 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$150,000 in fiscal year 2014-15 to the Legislature to provide funding for the purpose of entering into a contract with a firm experienced in providing consulting on casino-style gaming.

The bill transfers \$150,000 in fiscal year 2014-15 from the Department of Public Safety, Gambling Control Board program, Other Special Revenue Funds account, to the General Fund.

AFA

LD 1105

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



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1105

S.P. 388

In Senate, March 19, 2013

**An Act To Authorize a General Fund Bond Issue To Revitalize
Maine's Downtowns through Innovative Business Development and
the Creative Economy**

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by President ALFOND of Cumberland.
Cosponsored by Representative GRANT of Gardiner and
Senators: GOODALL of Sagadahoc, VALENTINO of York, WOODBURY of Cumberland,
Representatives: BERRY of Bowdoinham, JOHNSON of Greenville, MASTRACCIO of
Sanford.

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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.

JUD

LD 1194

**Judiciary Committee Study of
Social Media Privacy in School
and in the Workplace**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

H.P. 838 - L.D. 1194

**Resolve, Directing a Study of Social Media Privacy in School and in the
Workplace**

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 Legislature finds that the fast pace of technological development places increasing pressure on individuals' privacy, especially with regard to social media, e-mail and similar applications; and

Whereas, educational institutions often provide electronic devices, cloud computing services that process and store student data and access to technology to students to further the educational missions of the institutions; and

Whereas, educational institutions' responsibilities include protecting the privacy, safety and well-being of students and educational personnel, including stopping and preventing bullying; and

Whereas, employers often provide electronic devices and access to technology to their employees to further the employers' operations; and

Whereas, state and federal laws, rules, regulations and guidance require employers to monitor their employees' activities that may affect or be related to the employers' responsibilities; and

Whereas, the Legislature finds that an appropriate balance must be found between the needs of educational institutions and employers and the privacy interests of students and employees; and

Whereas, it is necessary that this legislation take effect immediately in order to allow sufficient time for the Joint Standing Committee on Judiciary to conduct its work; 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. Resolved: That the Joint Standing Committee on Judiciary of the 126th Legislature, referred to in this resolve as "the committee," shall study the issues involved in social media and personal e-mail privacy with regard to education and employment. The committee shall study:

1. Concerns of employees and applicants for employment about privacy rights associated with social media and personal e-mail accounts;

2. Concerns of employers, both public and private, about social media and personal e-mail accounts of employees and applicants for employment with regard to workplace needs, protection of proprietary information, proposed heightened requirements associated with specific types of employment and compliance with state and federal laws concerning workplace safety and regulation of business-related representations;

3. Concerns of students and prospective students about privacy rights associated with social media, cloud computing services that process and store student data and personal e-mail accounts;

4. Concerns of educational institutions, including public and private schools and postsecondary institutions, about social media, cloud computing services that process and store student data and personal e-mail accounts of students and prospective students with regard to electronic communications devices provided by the institution, compliance with applicable laws and regulatory requirements, including policies and practices addressing bullying and harassment, and in loco parentis responsibilities;

5. Concerns of parents and educators about the processing and storing of student data by online service providers to kindergarten to 12th grade educational institutions in order to build information profiles on students and target online advertisements to students;

6. Laws and experiences in other states concerning social media, cloud computing services that process and store student data and personal e-mail privacy;

7. The application of federal law and regulations concerning social media, cloud computing services that process and store student data and personal e-mail privacy; and

8. How subpoena powers of governmental entities apply to social media, cloud computing services that process and store student data and personal e-mail accounts; and be it further

Sec. 2. Meetings. Resolved: That the committee may meet up to 4 times for the purposes of the study; and be it further

Sec. 3. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee for the purposes of the study; and be it further

Sec. 4. Report. Resolved: That, no later than November 5, 2014, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 127th Legislature. The committee shall make recommendations concerning limitations on providing log-in information, requiring inclusion on contacts lists, changing privacy settings and otherwise accessing content of social media, cloud computing services that process and store student data and personal e-mail accounts of employees, applicants for employment, students and prospective students, as well as appropriate remedies for violations of restrictions; and be it further

Sec. 5. Funding. Resolved: That the committee 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 effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 6. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides an allocation to authorize the expenditure of contributions received to fund the costs of a study by the Joint Standing Committee on Judiciary.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$0	\$3,080
All Other	\$0	\$4,170
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$7,250

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

MAR

LD 1602

**Commission to Study the Effects of
Ocean Acidification and its Existing
and Potential Effects on Species that
are Commercially Harvested and
Grown Along the Maine Coast**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

H.P. 1174 - L.D. 1602

Resolve, Establishing the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast

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 Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast is established to identify the actual and potential effects of coastal and ocean acidification on commercially valuable marine species, to identify the scientific data and knowledge gaps that hinder Maine's ability to craft policy and other responses to coastal and ocean acidification and prioritize the strategies for filling those gaps and to provide policies and tools to respond to the adverse effects of coastal and ocean acidification on commercially important fisheries and Maine's shellfish aquaculture industry; 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 to be considered in 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. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following members:

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

2. Three members of the House of Representatives appointed by the Speaker of the House, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Eight members appointed by the Commissioner of Marine Resources, including:

A. Two representatives of an environmental or community group;

B. Three persons who fish commercially, including at least one aquaculturist; and

C. Three scientists who have studied coastal or ocean acidification; and

4. Three members as follows:

A. The Commissioner of Marine Resources or the commissioner's designee;

B. The Commissioner of Environmental Protection or the commissioner's designee; and

C. The Commissioner of Agriculture, Conservation and Forestry or the commissioner'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 commission; 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 within 45 days. 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 meet a minimum of 4 times to review, study and analyze existing scientific literature and data on coastal and ocean acidification and how it has affected or potentially will affect commercially harvested and grown species along the coast of the State and shall address:

1. The factors contributing to coastal and ocean acidification;

2. How to mitigate coastal and ocean acidification;

3. Critical scientific data and knowledge gaps pertaining to coastal and ocean acidification as well as critical scientific data and knowledge gaps pertaining to the effects of coastal and ocean acidification on species that are commercially harvested and

grown along Maine's coast. The commission shall include in its review of the relevant scientific literature and data the results of studies presented at conferences or workshops held in the New England or Northeast region that relate to coastal and ocean acidification, and the commission shall coordinate with the Northeast Coastal Acidification Network to prevent duplication of effort;

4. Steps to strengthen existing scientific monitoring, research and analysis regarding the causes of and trends in coastal and ocean acidification; and

5. Steps to take to provide recommendations to the Legislature and increase public awareness of coastal and ocean acidification; 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. Outside funding. Resolved: That the commission shall seek funding contributions to 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 effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 8. Report. Resolved: That, no later than December 5, 2014, the commission shall submit a report of its findings and recommendations to date, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The joint standing committee is authorized to submit a bill to the First Regular Session of the 127th 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.

IFS

LD 1345

**IFS Committee to Hire a Consultant to
Propose Design Options for Creating a
Universal System of Health Care**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

H.P. 962 - L.D. 1345

Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act

Sec. 1. Purpose. Resolved: That it is the intent of the Legislature to ensure that all Maine residents have access to and coverage for affordable, quality health care. While the Legislature supports a national universal system of health care, until such federal legislation is enacted, it is the intent of the Legislature to study the design and implementation of a universal health care plan that complies with the requirements for innovation waivers available to states pursuant to 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, referred to in this resolve as "the Affordable Care Act"; and be it further

Sec. 2. Consultant; proposal. Resolved: That the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters, referred to in this resolve as "the committee," shall solicit the services of one or more outside consultants to work with the committee to propose by December 2, 2015 to the Legislature at least 3 design options, including implementation plans, for creating a universal system of health care that ensures all Maine residents have access to and coverage for affordable, quality health care services that meet the principles and goals outlined in this resolve. By October 15, 2015, the consultant shall release a draft of the design options to the public, including the data used by the consultant to develop the design options, and provide 30 days for public review and the submission of comments on the design options. The consultant shall review and consider the public comments and revise the draft design options as necessary prior to the final submission to the committee; and be it further

Sec. 3. Design options. Resolved: That the consultant's proposal under section 2 must contain the analysis and recommendations as provided for in this section.

1. The proposal must include the following design options:

A. A design for a government-administered and publicly financed single-payor health benefits system that is decoupled from employment, that prohibits insurance

coverage for the health services provided by the system and that allows for private insurance coverage of only supplemental health services;

B. A design for a universal health benefits system with integrated delivery of health care and integrated payment systems for all individuals that is centrally administered by State Government or an entity under contract with State Government; and

C. A design for a public health benefit option administered by State Government or an entity under contract with State Government that allows individuals to choose between the public option and private insurance coverage and allows for fair and robust competition among public and private plans.

Additional options may be designed by the consultant, in consultation with the committee, taking into consideration the parameters described in this section.

Each design option must include sufficient detail to allow the Legislature to consider the adoption of one design and to determine an implementation plan for that design during the Second Regular Session of the 127th Legislature and to initiate implementation of the new system through a phased process beginning no later than January 1, 2018, including the submission of any necessary waivers pursuant to federal law.

2. In creating the design options under subsection 1, the consultant shall review and consider the following fundamental elements:

A. The findings and reports from previous studies of health care reform in the State, including the December 2002 document titled "Feasibility of a Single-Payer Health Care Model for the State of Maine" produced by Mathematica Policy Research, Inc., and studies and reports provided to the Legislature;

B. The State's current health care reform efforts;

C. The health care reform efforts in other states, including any efforts in other states to develop state innovation waivers for universal health coverage plans as an alternative to the Affordable Care Act; and

D. The Affordable Care Act; the federal Employee Retirement Income Security Act of 1974, as amended; and the Medicare program, the Medicaid program and the State Children's Health Insurance Program under Titles XVIII, XIX and XXI, respectively, of the federal Social Security Act.

3. The design options under subsection 1 must maximize federal funds to support the system and be composed of the following components as described in this subsection:

A. A payment system for health services that includes one or more packages of health services providing for the integration of physical and mental health services; budgets, payment methods and a process for determining payment amounts; and cost-reduction and cost-containment mechanisms;

B. Coordinated regional delivery systems;

C. Health system planning, regulation and public health;

D. Financing and estimated costs, including federal financing; and

E. A method to address compliance of the proposed design option or options with federal law. Unless specifically authorized by federal law, the proposed design options must provide coverage supplemental to coverage available under the Medicare program of the federal Social Security Act, Title XVIII and the federal TRICARE program, 10 United States Code, Chapter 55.

4. The design options under subsection 1 must include the following components:

A. A payment system for health services that is aligned with the State's innovation model project to advance delivery system and payment reform initiatives already in place throughout the State and that is consistent with the terms and conditions of any federal grant awarded to the State's innovation model project;

B. A benefit package or packages of health services that meet the requirements of the Affordable Care Act and provide for the integration of physical and mental health, including access to and coverage for primary care, preventive care, chronic care, acute episodic care, palliative care, hospice care, hospital services, prescription drugs and mental health and substance abuse services;

C. A method for administering payment for health services, which may include administration by a government agency, under an open bidding process soliciting bids from insurance carriers or 3rd-party administrators, through a private nonprofit insurer or 3rd-party administrator, through private insurers or from a combination thereof;

D. Enrollment processes;

E. Integration of pharmacy best practices and cost control programs and other mechanisms to promote evidence-based prescribing, clinical efficacy and cost containment, such as a single statewide preferred drug list, prescriber education or utilization reviews;

F. Appeals processes for decisions made by entities or agencies administering coverage for health services;

G. A recommendation for budgets and payment methods and a process for determining payment amounts. Payment methods for mental health services must be consistent with mental health parity. The design options must consider:

(1) Recommending a global health care budget when it is appropriate to ensure cost containment by a health care facility, a health care provider, a group of health care professionals or a combination thereof. Any recommendation must include a process for developing a global health care budget, including circumstances under which an entity may seek an amendment of its budget;

(2) Payment methods to be used for each health care sector that are aligned with the goals of this section and provide for cost containment, provision of high-quality, evidence-based health services in a coordinated setting, patient self-management and healthy lifestyles; and

(3) What process or processes are appropriate for determining payment amounts with the intent to ensure reasonable payments to health care professionals and providers and to eliminate the shift of costs between the payors of health services

by ensuring that the amount paid to health care professionals and providers is sufficient. Payment amounts must be sufficient to provide reasonable access to health services, provide sufficient uniform payments to health care professionals and assist in creating financial stability for health care professionals. Payment amounts for mental health services must be consistent with mental health parity;

H. Cost-reduction and cost-containment mechanisms;

I. A regional health system that ensures that the delivery of health services to the citizens of the State is coordinated in order to improve health outcomes, improve the efficiency of the health system and improve patients' experiences of health services; and

J. Health system planning and regulation and public health.

5. The design options under subsection 1 must consider financing and estimated costs, including federal financing. The design options must provide:

A. An estimate of the total costs of the design options, including any additional costs for providing access to and coverage for health services to the uninsured and underinsured, any estimated costs necessary to build a new system and any estimated savings from implementing a single system;

B. Financing proposals for sustainable revenue, including by maximizing federal revenues, or reductions from existing health care programs, services, state agencies or other sources necessary for funding the cost of the new system;

C. A proposal to the federal Centers for Medicare and Medicaid Services to waive provisions of Titles XVIII, XIX and XXI of the federal Social Security Act, if necessary, to align the federal programs with the proposals contained within the design option in order to maximize federal funds or to promote the simplification of administration, cost containment or promotion of health care reform initiatives; and

D. A proposal to the federal Centers for Medicare and Medicaid Services to waive provisions of the Affordable Care Act, if necessary, to implement the proposals contained within the design options in order to maximize federal funds.

6. The proposal must include a method to address compliance of the proposed design options under subsection 1 with federal law if necessary, including the Affordable Care Act; the Employee Retirement Income Security Act of 1974, referred to in this subsection as "ERISA"; and Titles XVIII, XIX and XXI of the federal Social Security Act. In the case of ERISA, the consultant may propose a strategy to seek an ERISA exemption from the United States Congress if necessary for the design options.

7. The proposal must include an analysis of:

A. The impact of the design options on the State's current private and public insurance system;

B. The expected net fiscal impact;

C. The impact of the design options on the State's economy;

D. The benefits and drawbacks of alternative timing for the implementation of the designs, including the sequence and rationale for the phasing in of the major components; and

E. The benefits and drawbacks of the design options and of not changing the current system; and be it further

Sec. 4. Additional staff assistance. Resolved: That, upon request, the Department of Health and Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance shall provide any additional staffing assistance to the committee to ensure the committee and its consultant or consultants have the information necessary to create the design options required by this resolve; and be it further

Sec. 5. Report. Resolved: That, no later than December 2, 2015, the consultant shall submit a report that includes its findings and recommendations, including suggested legislation, to the committee. The committee may report out a bill to the Second Regular Session of the 127th Legislature based on the consultant's report that adopts one of the design options under section 3 and establishes an implementation plan; and be it further

Sec. 6. Funding; sources. Resolved: That the 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 pursuant to the Affordable Care Act that is received by those state agencies. The committee may also apply for and receive funds, grants or contracts from public and private sources to support its activities. Contributions to support the work of the 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 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 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 those funds. The Executive Director of the Legislative Council shall administer any funds received by the committee; and be it further

Sec. 7. Transfer. Resolved: That, notwithstanding any other provisions of law, on or before June 30, 2015, the State Controller shall transfer \$100,000 from the State Innovation Model Grant, Federal Expenditures Fund account in the Department of Health and Human Services to the Miscellaneous Studies-Funding, Other Special Revenue Funds account of the Legislature. If before December 1, 2015 the Legislature receives funds that exceed \$100,000 from other public and private sources as authorized in section 6, the State Controller shall transfer \$100,000 from the Legislature to the State Innovation Model Grant, Federal Expenditures Fund account in the Department of Health and Human Services before December 31, 2015; and be it further

Sec. 8. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funding for the consulting costs of a study to propose design options to create a universal system of health care in the State.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$0	\$100,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$0	<hr/> \$100,000

EDU

LD 1819

**Task Force to Study
Student Hunger in Maine**

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

S.P. 729 - L.D. 1819

Resolve, To Create the Task Force To End Student Hunger in Maine

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

Whereas, Maine has a moral obligation to care for its most vulnerable citizens; and

Whereas, Maine ranks first in New England in food insecurity; and

Whereas, in past years, Maine has underutilized up to \$30,000,000 of federal funding that could have been used to provide meals to hungry students; and

Whereas, food insecurity has proven to have a negative impact on student health and learning; and

Whereas, the United States Department of Agriculture recently announced a nationwide expansion of its program known as the Community Eligibility Provision, which increases access to breakfast and lunch for all students in low-income areas; and

Whereas, the Task Force To End Student Hunger in Maine must be initiated before the 90-day period expires so 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, notwithstanding Joint Rule 353, the Task Force To End Student Hunger in Maine, 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 17 members 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. Six members of the public with expertise in the fields of school food service, child health, child development or child hunger or related fields, including 2 members whose children used or are using school food programs. Three members must be appointed by the President of the Senate and 3 members must be appointed by the Speaker of the House;

4. Two members of the public appointed by the Governor;

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

6. The Commissioner of Health and Human Services or the commissioner'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 meet 5 times. The task force shall study issues associated with the creation of a public-private partnership to provide expertise to school administrative units throughout the State in adopting best practices and maximizing available federal funds for addressing student hunger by using:

1. The United States Department of Agriculture, Food and Nutrition Service, National School Lunch Program;

2. The United States Department of Agriculture, Food and Nutrition Service, Child and Adult Care Food Program, At-Risk Afterschool Meals;

3. The United States Department of Agriculture, Food and Nutrition Service, Summer Food Service Program; and

4. The 4 privately funded hunger coordinators positioned in the Healthy Maine Partnerships districts to encourage the use of school food programs.

The task force shall draft a 3- to 5-year plan outlining a ramp-up of school food programs throughout the State; 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 9, 2014, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, as well as actions that can be taken immediately, for presentation to the First Regular Session of the 127th Legislature; and be it further

Sec. 8. Outside funding. Resolved: That the task force shall seek funding contributions to fully fund the cost 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 effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds to authorize the expenditure of outside contributions for the costs of the Task Force To End Student Hunger in Maine.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$770	\$770
All Other	\$1,230	\$1,230
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000	\$2,000

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