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To: Committee on Appropriations & Financial Affairs
From: Shirrin Blaisdell, Acting State Budget Officer
Date: December 31, 2012
Subject: Federal Mandates

The State Budget Officer is required by 5 M.R.S.A., Section 1670, to submit a list of any new laws, regulations, or other actions that may require the State to comply with any new federal mandate in the current biennium or the next biennium.

Attached please find the report of federal mandates as submitted from the various State departments and agencies.

If you should have any questions regarding this report, please do not hesitate to contact the Budget Office at (207) 624-7810.

Thank you.

SLB/kb

cc: Grant Pennoyer, Director, OFPR
    H. Sawin Millett, Jr., Commissioner, DAFS
    ME State Law & Legislative Reference Library

FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENT-STATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
U.S. D.O.E.	Protection of Historical Properties Act- Semi annual reporting	Section 106 National Historic Preservation Act 36 CFR Part 800	DOE Received Approval from the Office of Management and Budget (OMB) to ask grant recipients to report on Historic Prreservation. EfficiencyMaine Trust must track and maintain records regaring energy assessments or upgrade activities involving historical properties	10/30/2012	ARRA SEP	UNDER $1,000	2012-13 SEMI-ANNUAL EVERY YEAR
					ARRA EECBG	UNDER $1,000	
					SEP SPECIAL PROJECT	UNDER $1,000	
					ARRA EECBG BETTER BUILDINGS	UNDER $1,000	

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DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENTATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Maine CDC	Drinking Water Program 013-10A-2420-03	40 CFR Parts 141, 142	Revised Total Coliform Rule - US EPA has revised the Total Coliform Rule to address distribution system contamination- Implementation must be completed by April 2016. Due to the benefits to public water systems, the Drinking Water Program will likely implement these changes in SFY 2015	1-Apr-16	013	Not yet determined	2015
Maine CDC	Drinking Water Program 013-10A-2420-03	40 CFR Parts 141, 142	The US EPA is developing a new data tracking and reporting system for State drinking water programs. The new data system will be available at the start of SFY 2015. Maine will have until the end of SFY 2016 to transfer to the new data system.	1-Sep-15	013	Not yet determined	2015
Maine CDC	Drinking Water Program 013-10A-2420-03	40 CFR Parts 141, 142	Lead in Drinking Water Reduction Act - to reduce lead levels in drinking water	1-Jan-14	013	Not yet determined	2014
OMS	ICD-10						
OMS	CAHC/Core						
OMS	Eligibilty Changes						
DHHS-OFI-OMS	MaineCare Admin, 012901	PL 111-148, Section 2404	Affordable Care Act - Protection of Home-and Community-Based Services Recipients from Spousal Impoverishment - During a five year period beginning on January 2014, the spousal impoverishment provisions are expanded to include spouses of individuals who are receiving home and community based waiver services.	Jan-2014	010, 013	TBD	SFY2014
DHHS-OFI-OMS	MaineCare Admin, 012901	PL 111-148, Section 2004	Affordable Care Act - Medicaid Coverage For Former Foster Care Children - Beginning January 2014, former foster children under age 26 must be covered under Medicaid, if, on the day they reached the age of 18 (or a higher age under the state's child welfare plan) they were: (1) in foster care under the responsibility of the state; and (2) enrolled in Medicaid or a waiver program.	Jan-2014	010, 013	TBD	SFY2014
DHHS-OFI-OMS	MaineCare Admin, 012901	PL 111-148 and PL 111-152	Affordable Care Act - a maintenance of effort requirement mandates that states can not employ eligibility standards, methodologies or procedures that are more restrictive than those in effect on March 23, 2010.	23-Mar-10	010, 013	TBD	SFY011
DHHS-OFI-OMS	OFI allocated to MaineCare, Z02001	PL 110-252	Asset verification through access to information held by financial institutions - Maine must have in place an asset verification program for the purposes of determining eligibility for medical assistance. This must be in place by the end of FFY 2013.	FFY2013	010, 014	TBD	SFY013
DHHS-OFI-OMS	MaineCare Admin, 012901	PL 111-148, Section 2002	Affordable Care Act -Income eligibility for nonelderly determined using modified adjusted gross income - States must use MAGI income to determine eligibility for non-elderly/non-disabled individuals using MAGI income rules. No income or expense disregards can be used. Only countable tax income can be used. No asset will be applied to MAGI households.	Jan-14	010, 013	TBD	SFY2014
DHHS-OFI-OMS	MaineCare Admin, 012901	PL 111-148, Section 2201	Affordable Care Act - Enrollment Simplification and coordination with Health Insurance Exchanges	Jan-14	010, 013	TBD	SFY2014
DHHS-OFI-OMS	MaineCare Admin, 012901	PL 111-148, Section 2202	Affordable Care Act - Permitting hospitals to make presumptive eligibility determinations for all Medicaid eligible populations.	Jan-14	010, 013	TBD	SFY2014
DHHS-OFI-TANF	TANF, 013801	PL 112-96, Section 402, 408, 409	Requires States receiving TANF grants "to maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment."	Feb, 2014	010, 015	TBD	SFY2014
DHHS-OFI-DSER	Child Support, 010001	PL 111-291	Employers must report to the State Directory of New Hires the date that an employee first performs services for pay.	SFY14 Q2	010, 013	TBD	SFY2014
DHHS-OFI-DSER	Child Support, 010001	PL 112-40	Expands definition of newly hired employee subject to the new hire reporting law. "a newly hired employee means an employee who - i.) has not previously been employed by the employer or ii.) was previously employed by the employer but has been seperated from such prior employment for at least 60 consecutive days."	SFY14 Q2	010, 013	TBD	SFY2014

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057,058,059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

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FEDERAL MANDATES

DEPARTMENT OR AGENCY	PROGRAM NAME & ACCOUNT #	FED CITE	DESCRIPTION OF THE PURPOSE OF THE MANDATE	IMPLEMENTATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Labor	Employment Security (Unemployment) 0245	The Federal Trade Adjustment Asst Act of 2011 (Public Law 112-40)	Requires states to enact legislative changes to impose at a minimum, a 15% penalty for unemployment insurance fraud and to deposit any 15% penalties collected direct into the State's Unemployment Insurance Trust Fund. Maine already has a higher penalty than 15% but must change statute to state that 15% of any penalty collected will be deposited directly into the Unemployment Trust Fund.

Additionally, the FTAAA of 2011 requires states to prohibit the relief of unemployment benefit charges on appeal by an employer if that employer failed to provide timely separation information that would have prevented the payment of benefits and that employer has shown a pattern of failing to provide timely separation information needed to determine benefit eligibility. | both have to be in force no later than October 20, 2013. | 45 | | FY2013 |
| Labor | Employment Security | Middle Class Tax | Requires States with Workshare Programs to conform state statutes to federal Workshare statutory language. The majority of Maine's Workshare statute is consistent with federal statute in this area but some changes will be required in the upcoming legislative session. Maine's statute will need to be revised to require specific written notification by the employer to employees that will be affected by Workshare and to ensure that any health insurance and pension benefits provided to Workshare impacted employees remain consistent with those provided to non-Workshare employees. | must be implemented

by August 14, 2014 | 45 | | FY 2014 |
| | (Unemployment) 0245 | Relief & Job Creation Act of 2012 | | | | | |

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100