

# MAINE STATE LEGISLATURE

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PAUL R. LePAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
**BUREAU OF THE BUDGET**  
58 STATE HOUSE STATION AUGUSTA, MAINE 04333

ALEXANDER PORTEOUS  
COMMISSIONER

MELISSA L. GOTT  
STATE BUDGET OFFICER

To: Committee on Appropriations & Financial Affairs  
From: Melissa L. Gott, State Budget Officer *MLG*  
Date: December 28, 2018  
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

MLG/sa-o

cc: Christopher Nolan, Director, OFPR  
Alexander Porteous, 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	IMPLEMENTATION DATE (DD-MM-YY)	FUND (SEE KEY)	AMOUNT	STATE FISCAL YEAR
Office of the State Auditor	Audit Bureau - 0067;	IRS Publication 1075, Tax Information Security Guidelines for Federal, State & Local Agencies; 28 CFR Chapter I, §20.33 and §50.12	The Federal government now requires that audit personnel be subjected to fingerprint-based background checks prior to viewing confidential information.  All personnel, particularly Audit Bureau personnel within the Office of the State Auditor, have access to large scale highly confidential information and read-only direct access to systems for auditing purposes.  Budget Initiative C-A-2 submitted for FY2020-2021 Biennium.	7/1/2019	010	\$784	FY2020
					014	\$1,216	FY2020
	01027A006701 (AUDIT BUREAU)				010	\$118	FY2021
	01427A006704 (STATEWIDE SINGLE AUDIT - SET ASIDE)				014	\$182	FY2021

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 024, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 072, 074, 075, 076, 077, 078, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 098, 099, 100

## FEDERAL MANDATES

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DHHS/MECDC	<p>Maine Immunization Program</p> <p>Operations: 013 2530 03 2530IMM, 013 2533 03 2533VAC, 013 2596 03 2596VFC, 013 2597 03 2597AFIX, 013 2598 013 2598FLU, 013 2603 03 PPHFMU, 013 2698 03 NONPPHFMU</p> <p>Vaccine Purchases: 014 Z121 01, 014 2531 03, 010 2933 01, 014 Z048 01</p>	42 U.S.C. 1396s	<p>In section 1396a(a)(62) of this title, each State shall establish a pediatric vaccine distribution program (which may be administered by the State department of health), consistent with the requirements of this section, under which-</p> <p>A) each vaccine-eligible child, in receiving an immunization with a qualified pediatric vaccine for the registered program provider on or after October 1, 1994, is entitled to receive the immunization without charge for the cost of such vaccine; and</p> <p>B) (i) each program-registered provider who administers such a pediatric vaccine to a vaccine-eligible child on or after such date is entitled to receive such vaccine under the program without charge either for the vaccine or its delivery to the provider, and (ii) no vaccine is distributed under the program to a provider unless the provider is a program -registered provider.</p>	4/1/2017-6/30/2019, Annually from July through June after this project period.	010, 013, 014,	<p>\$6,265,789 for this project period (Operations)</p> <p>\$29,625,806 (Vaccine Purchases for 12 months)</p>	Not until July 2019 and then will be fiscal year after this current grant

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Division of Licensing and Certification	Children's Residential Licensing 10A-6712 ,6707	ACYF-CB-PI-18-07	FFPSA makes changes to the title IV-E requirements at section 471(a)(20)(D) of the Act (criminal record and child abuse and neglect registry checks).	01/10/2018: Legislative delay is permitted until the end of the next session (06/19.)	014-6708	May be funded through Maine Background Check Center user fees. Paid by CCDF for family providers.	2019
		PL 115-123, Family First Prevention Services Act (FFPSA)	Currently, as a condition of eligibility for title IV-E funds, title IV-E agencies must provide in their IV-E plan that they implement procedures for criminal background checks, including: fingerprint-based criminal records checks of national crime information databases (as defined in 28 USC section 534(f)(3)(A) of title 28, United States Code) for prospective foster parents, adoptive parents, and relative guardians, and child abuse and neglect registry checks for each prospective foster or adoptive parent and any adult living in the home. The criminal records check must reveal that the prospective foster or adoptive parent has not been convicted of the prohibited felonies, and in the case of a foster family home, the home must be licensed or approved (sections 471(a)(20)(A)(i) and (ii) of the Act).	6/19		\$112,000 annual expenses + approximately \$100,000 first year costs to comply.	
			FFPSA requires that title IV-E agencies apply these same procedures for fingerprint-based criminal records checks of national crime information databases and child abuse registry checks to any adult working in a CCI (child care institution), which includes group homes, residential treatment centers, shelters, and other congregate care settings. The statute does not allow any exemptions or exceptions for conducting the checks on any adults who work in such settings. As such, all adults, including adults who do not work directly with children, are subject to the background check requirements when working in a CCI.	Implementation is contingent upon the Maine Background Check Center developing the capacity to collect and run checks using biometric data.			

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REV. 11/2/2018

## FEDERAL MANDATES

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DHHS/OCFS	IV-E Grant-01310A013701	45 CFR Sections 1355.50 through 1355.59	The Federal Government implemented new requirements a title IV-E agency must meet to receive Federal financial participation authorized under sections 474(a)(3)(C) and (D), and 474(c) of the Act for the planning, design, development, installation, operation, and maintenance of a comprehensive child welfare information system. These regulations replace regulations allowing the use of title IV-E funding of a State Automated Child Welfare Information System, reducing the federal match rate on eligible expenditures from 50% to 25%.	10/1/2018	013	\$750,000	2019
DHHS/OCFS	IV-E Grant-01310A013701	PL 115-123, Family First Prevention Services Act (FFPSA)	Family First Prevention Services Act; back dated to 10/1/17-Delays until FFY 2025 Fostering Connections implementation of federal assistance for adoption of special needs children to only those eligible for adoption assistance if they meet existing requirements (estimated to impact 15 children per year)	2/1/2018	013	\$150,000 \$300,000 \$450,000 \$600,000 \$750,000 \$900,000	2019 2020 2021 2022 2023 2024

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 024, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 072, 074, 075, 076, 077, 078, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 098, 099, 100

## FEDERAL MANDATES

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DHHS/OMS	MaineCare - 0129	Section 12006 21st Century Cures Act	Electronic Visit Verification - For all Personal Care and Home Health Services the Medicaid agency must implement an electronic system that verifies the date of service, location of service, type of service provided and who provided the services as well as the individual receiving the service and start and end times of service for better accountability and tracking of service delivery.	1/1/2020	010/013	Design/development/ implementation costs - \$1.8M Annual operations costs - \$1.2M	SFY20

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 024, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 072, 074, 075, 076, 077, 078, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 098, 099, 100

REV. 11/2/2018

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SAMHS		42 CFR Part 2	42 CFR Part 2 has changed HIPAA/privacy requirements for substance use records. It has also replaced the term substance abuse with substance use disorder (SUD). This may require name and term changes at SAMHS, both for the office, as well as for office documents. May have some costs related to name change, but should be minimal.		NA	Unknown	

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 024, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 072, 074, 075, 076, 077, 078, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 098, 099, 100



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RPC DDPC	RPC - Z21950	S&C Memo 18-06	CMS Ligature Rick Policy, to mitigate suicide risk at psychiatric hospitals	12/8/2017	010	\$1,100,000	2019
	DDPC-Z22255	S&C Memo 18-06	CMS Ligature Rick Policy, to mitigate suicide risk at psychiatric hospitals	12/8/2017	010	\$1,100,000	2019

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 024, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 072, 074, 075, 076, 077, 078, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 098, 099, 100

REV. 11/2/2018

**\*\* Note \*\* See next page for letter from CMS**

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<b>Maine State Housing Authority</b>	Federal program; no state account #	The Fair Housing Act (title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-3619)	The U.S. Department of Housing and Urban Development has issued a new rule for recipients of federal funding changing the method for addressing fair housing.	MaineHousing's Affirmatively Furthering Fair Housing Plan is due 15/11/2019		\$30,000	FY2019
			The approach to affirmatively furthering fair housing carried out by HUD program participants prior to this rule, which involved an analysis of impediments to fair housing choice and a certification that the program participant will affirmatively further fair housing, has not been as effective as originally envisioned. This rule refines the prior approach by replacing the analysis of impediments with a fair housing assessment that should better inform program participants' planning processes with a view toward better aiding HUD program participants to fulfill this statutory obligation.			\$30,000	FY2020

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 024, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 052, 053, 054, 055, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 072, 074, 075, 076, 077, 078, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 098, 099, 100