

MAINE STATE LEGISLATURE

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GOVERNOR

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DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL SERVICES
BUREAU OF THE BUDGET
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BETH L ASHCROFT
STATE BUDGET OFFICER

To: The Honorable Troy D. Jackson, President of the Senate
Members of the 130th Senate
The Honorable Ryan Fecteau, Speaker of the House
Members of the 130th House of Representatives

From: Beth Ashcroft, State Budget Officer *BLA*

Date: December 17, 2020

Subject: Federal Mandates

The State Budget Officer is required by 5 M.R.S.A., Section 1670, to submit a list, to all members of the Legislature, 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

BLA/jbm

cc: Christopher Nolan, Director, OFPR
Kirsten LC Figueroa, Commissioner, DAFS
Jessica Van Buren, Deputy Director ME State Law & Legislative Reference Library
Darek M Grant, Secretary of the Senate
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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
DACF/MFS	Forest Stewardship 013-01A-Z233-52	attached memos	The US Forest Service requires states to expend Forest Stewardship Program funds only in designated priority areas that cannot encompass more than half the state's forest area.	1/10/2020	013	\$185,100	FY21

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Maine Human Rights Commission	Human Rights Commission	White House Executive Order No. 13950, 85 Fed. Reg. 60683 (Sept. 22, 2020).	This Executive Order bars federal contractors (including the MHRC) from providing employee training that "inculcates" in their employees "any form of race or sex scapegoating" or stereotyping, and states that federal contracts entered into after November 21, 2020 must include language to that effect. The obligation flows down through the federal contract to the contractor's vendor agreements and subcontracts. Federal agencies are to review their grant programs and identify programs for which a grantee may, as a condition of receiving such a grant, be required to certify that it will not use federal funds to "promote" the "concepts" similar to those in the clause that is to be included in federal contracts. Since roughly 40% of the MHRC's budget is made up of grants and funding from federal agencies, and much of the MHRC's outreach and education is related to discrimination, inclusion and diversity, it is likely that if the Executive Order's various mandates are enforced, they could impact the MHRC's activities.	21.11.20	N/A	N/A	2021

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

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OADS	Office of Aging and Disability Services Central Office 01310A014001	45 CFR 1321.49 and Section 309(c) of the Older Americans Act, as Amended; and Sections 304(d)(1), 306(a)(9), 307(a)(9), and 705(a)(4) of the Older Americans Act, as Amended	States must certify maintenance of effort for Title 3 & Ombudsman		013	\$615,294	Ongoing
	Office of Aging and Disability Services Central Office 01310A014001	Section 731 OAA	Older Americans Act: SUA Required to appoint a legal assistance developer by ACL		013	\$106,927	Ongoing
OMS/OADS	010,013 Z218 Medicaid Waiver for Brain Injury Residential/Community Serv; 010,013 0147 Medical Care Services; 010,013 Z217 Medicaid Waiver for Other Related Conditions; 010,013 Z211 Devels Svs Waiver MaineCare	1915(i) State Plan HCBS, 5-Year Period for Waivers, Provider Payment Reassignment, Setting Requirements for Community First Choice, and 1915(c) HCBS Waivers - CMS-2249-F/CMS-2296-F Person Centered Planning Requirements (PCP rule 2014- not in full compliance).	Federal Centers for Medicare & Medicaid Services (CMS): The rule requires that people who receive home- and community-based services and supports funded through Medicaid (known as MaineCare in Maine) must receive those services and supports in settings (places) that meet specific standards	3/17/2023 (extended)	010, 013	unknown	Ongoing
DHHS/OMS	MaineCare 0129	Families First Coronavirus Relief Act (FFCRA); Public Law No. 116-127	Increases PNMI Appendix D rates to comply with a new Federal recertification requirement		010-10A Z20607	SFY 2022 \$4,684,917 SFY2023 \$4,663,935	
DHHS/OMS	MaineCare 0129	Section 8004(a)(3) of FFCRA	Coverage of COVID-19 testing and diagnosis for uninsured individuals	3/18/2020		100% federal funds	SFY 2020 and 20201

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

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Labor	CARES Federal Benefits - 0245-77	PL 116-136	CARES ACT - new federal programs for Unemployment Benefit payments	March 2020	013	\$800,000,000	2020
Labor	CARES Federal Benefits - 0245-77	PL 116-136	CARES ACT - new federal programs for Unemployment Benefit payments	March 2020	013	\$470,000,000 YTD	2021
Labor	Lost Wages Assistance - 0245-78	Executive Order - Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019	Lost Wages Assistance	August 2020	013	\$136,000,000	2021

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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Maine Community College System	Title IX	34 CFR 106 et seq	Compliance with new Title IX regulations which impose a new substantive procedural framework on the process for processing complaints of "sexual harassment" as defined in the reqs, as well as training requirements for employees filling the various required roles within the Title IX process.	8/14/2020	N/A	\$0	FY21