

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

JULY 2000

Staff:

J. Timothy Leet, Senior Legislative Analyst

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TO: Members, Joint Standing Committee on Appropriations and Financial Affairs
 FROM: J. Timothy Leet, Senior Legislative Analyst
 DATE: July, 2000
 RE: **BILL SUMMARIES, 119th LEGISLATURE, 2nd REGULAR SESSION**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the Joint Standing Committee on Appropriations and Financial Affairs during the 2nd Regular Session of the 119th Legislature. The summary describes each bill or order and relevant amendments as well as the final action. Also included is a statistical summary of bill activity by the committee. Please note the effective date for all non-emergency legislation enacted in the 2nd Regular Session (unless a later date is specified in a particular law) is August 11, 2000. Joint Orders are effective when passed.

The bill summaries for your committee also include 4 bills that, although discussed in work sessions, were never referred. LD's 2589, 2646, 2664 and 2692 were discussed as part of your committee process and are therefore included in this document for your information.

The document is organized for convenient reference to information on bills handled by the committee this session. It is organized by bill (LD) number and two indices are located at the back of the document that group bills by subject and by LD number. Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES House & Senate disagree; bill died
DIED IN CONCURRENCE ... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
INDEF PP Bill Indefinitely Postponed
ONTP Ought Not To Pass report accepted
OTP ND Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX Chapter # of enacted Public Law
RESOLVE XXX Chapter # of finally passed Resolve

UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto
READ AND PASSED Joint Order passed by the House and Senate
PASSED AS AMENDED..... Joint Order passed as amendment by the House and Senate

A complete summary of bills for all committees will be available in the very near future. Copies will be on file in the Law and Legislative Reference Library and Senate and House offices. You will also soon be able to access these bill summaries from our website.

I hope you find this information useful. If you have any questions or suggestions, please do not hesitate to contact this office.

Best wishes for an enjoyable summer.

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
ROWE	OTP-AM	MAJ	
LAWRENCE	OTP-AM	MIN	

LD 2552 proposed to make allocations from the Fund for a Healthy Maine, the fund that receives the proceeds of the settlement of Maine's lawsuit against certain tobacco manufacturers, State of Maine v. Philip Morris, et al.

PART A proposed to repeal certain allocations from the Fund for a Healthy Maine that are proposed to be changed in this bill.

PART B proposed to provide funding for the design, planning, implementation and coordination of statewide community-based smoking prevention, cessation and control programs, enforcement and grants. It proposed to establish a new program in the Department of Human Services, Bureau of Health to administer and coordinate these programs and grants.

PART C proposed to establish a position in the Department of the Attorney General to enforce escrow payments required from cigarette manufacturers who did not participate in the settlement.

PART D proposed to provide funding to the Office of Substance Abuse within the Department of Mental Health, Mental Retardation and Substance Abuse Services for the provision of substance abuse services to uninsured or underinsured children and adults; start-up costs for a treatment facility for youth and a treatment facility for women in northern Maine; start-up costs for the provision of substance abuse services in underserved geographic areas and to underserved populations; support of direct care workers as recommended by the Task Force on Substance Abuse; and the provision of substance abuse services to adults under the direction of Maine courts.

PART E proposed to increase the amount currently required by law to be allocated to the elderly low-cost drug program, as expanded by Public Law 1999, chapter 401, from not less than \$5,000,000 to not less than \$10,000,000.

Under current law, the Department of Human Services is required to seek a federal waiver to authorize the department to provide Medicaid prescription drug benefits to qualified persons who are 62 years of age or older or who are 19 years of age or older and determined by the department to be disabled under the standards of the federal social security program and who have household income up to and including 185% of the nonfarm income official poverty line. Pending the receipt of the federal waiver, PART E also proposed to require the funds allocated for the State's share to be allocated on a quarterly basis, beginning July 1, 2000, to expand the categories of illnesses covered under the elderly low-cost drug program.

PART F proposed to provide funds to expand home-visiting services to the parents of newborn children and the support and training of persons who perform those visits. This PART also proposed to require an evaluation of the effectiveness of home visits to be done and provide funding for that purpose as recommended by the Business Advisory Commission on Quality Child Care Financing, established in Resolve 1999, chapter 66.

PART G proposed to provide funding to the Department of Human Services to perform an assessment of the quality, accessibility and affordability of child care in Maine and the need for staff training and facilities and equipment improvement for child care programs and allocate funds to carry out the recommendations of the assessments.

PART G also proposed to provide funding to expand Head Start to allow for full-day, year-round coverage for children up to 5 years of age. Funds were also proposed to offer child care providers incentives to offer care during odd hours, in underserved geographic areas, to at-risk children or to children with special needs. Ten positions were proposed to be created and funded in the Community Services Center to provide additional support.

PART G also proposed to provide funds for additional child care subsidies for infants, toddlers, preschool and school-aged children and provide funds for after-school services to children 12-to-15 years of age.

PART H proposed to provide funding for Quality Child Care Education Scholarship Fund scholarships, which are scholarships based on financial need for residents of the State who are enrolled in one or more courses related to early childhood education or child development at accredited institutions of higher education.

PART I proposed to require the Department of Human Services to provide Medicaid services, within budgetary limits, to the parent or caretaker of a child up to 19 years of age when the child's family income is below 150% of the nonfarm income official poverty line; funding for the State's share of the cost of this expansion is provided. The PART also proposed that if the Commissioner of Human Services determines that there are not adequate funds, then the commissioner is required to adjust the income eligibility limits.

PART I also proposed to change the eligibility requirements of transitional Medicaid to require past participation in Medicaid instead of in the Temporary Assistance for Needy Families program. The PART also proposed funding for the State's share of an additional position to aid in managing Medicaid coverage in the Bureau of Medical Services within the Department of Human Services and the cost of modifying transitional Medicaid assistance.

PART J proposed to expand access to Cub Care to pregnant women and infants under one year of age and provide funding for those purposes.

PART K proposed to establish and fund the position of school nurse consultant within the Department of Human Services and the Department of Education. The school nurse consultant's duties include acting as a liaison to school health care provider and policy-setting groups; providing health care, nursing, policy and legal information regarding school nursing, school health care programs and professional development; promoting staff development and promoting nursing excellence and optimal health of school children.

PART L proposed to allocate funds to a biennial reserve account in the Department of Administrative and Financial Services to be used in future biennia as allocated by subsequent Legislatures.

PART M proposed to require the working capital advance of \$3,500,000 authorized in Public Law 1999, chapter 401 to be repaid by May 1, 2000.

Committee Amendment "A" (H-941), the majority report of the Joint Standing Committee on Appropriations and Financial Affairs, replaced the bill. It also proposed to make allocations from the Fund for a Healthy

Maine, the fund that receives the proceeds of the settlement of Maine's lawsuit against certain tobacco manufacturers, *State of Maine v. Philip Morris, et al.*

PART A proposed to repeal certain allocations from the Fund for a Healthy Maine that are changed by this amendment.

PART B proposed to provide funding for the design, planning, implementation and coordination of statewide community-based smoking prevention, cessation and control programs, program evaluation, research and grants. A new program in the Department of Human Services, Bureau of Health is proposed to be established to administer and coordinate these programs and grants. Grants would be distributed across the major geographical areas of the State.

PART C proposed to establish a position in the Department of the Attorney General to enforce escrow payments required from cigarette manufacturers who did not participate in the settlement.

PART D proposed to provide funding to the Office of Substance Abuse within the Department of Mental Health, Mental Retardation and Substance Abuse Services for the provision of substance abuse services to uninsured or underinsured children and adults; start-up costs for a treatment facility for youth and a treatment facility for women in northern Maine; start-up costs for the provision of substance abuse services in underserved geographic areas and to underserved populations; support of direct care workers as recommended by the Task Force on Substance Abuse; facility and equipment improvements related to health, safety and capacity building; and the provision of substance abuse services to adults who have been referred by the Maine courts.

PART E proposed to increase the amount currently required by law to be allocated to the elderly low-cost drug program, as expanded by Public Law 1999, chapter 401, from not less than \$5,000,000 to not less than \$10,000,000.

Under current law, the Department of Human Services is required to seek a federal waiver to authorize the department to provide Medicaid prescription drug benefits to qualified persons who are 62 years of age or older or who are 19 years of age or older and determined by the department to be disabled under the standards of the federal social security program and who have household income up to and including 185% of the nonfarm income official poverty line. Pending the receipt of the federal waiver, PART E also proposed to require that the funds allocated for the State's share be allocated on a quarterly basis, beginning July 1, 2000, to expand the categories of illnesses covered under the elderly low-cost drug program.

PART F proposed to provide funds to expand home-visiting services to the parents of newborn children and the support, training and education of persons who perform those visits. This PART also proposed to require an evaluation of the effectiveness of home visits to be done and provide funding for that purpose as recommended by the Business Advisory Commission on Quality Child Care Financing, established in *Resolve 1999*, chapter 66.

PART G proposed to provide funding to the Department of Human Services to perform an assessment of the quality, accessibility and affordability of child care in Maine and the need for staff training and facilities and equipment improvement for child care programs and allocate funds to carry out the recommendations of the assessments.

PART G also proposed to provide funding to expand Head Start to allow for full-day, year-round coverage for children up to 5 years of age. Funds proposed to offer child care providers incentives to offer care during odd hours, in underserved geographic areas, to at-risk children or to children with special needs. Ten positions were

proposed to be created and funded in the Community Services Center to provide additional support. Three and one-half positions were proposed to be created and funded to conduct mandatory fire safety inspections at child care facilities.

PART G also proposed to provide funds for additional child care subsidies for infants, toddlers, preschool and school-aged children and proposed to provide funds for after-school services to children 12-to-15 years of age.

PART H proposed to provide funding for Quality Child Care Education Scholarship Fund scholarships, which are scholarships based on financial need for residents of the State who are enrolled in one or more courses related to early childhood education or child development at accredited institutions of higher education.

PART I proposed to require the Department of Human Services to provide Medicaid services, within budgetary limits, to the parent or caretaker of a child up to 19 years of age when the child's family income is below 150% of the nonfarm income official poverty line; funding for the State's share of the cost of this expansion is provided. PART I also proposed that if the Commissioner of Human Services determines that there are not adequate funds, then the commissioner is required to adjust the income eligibility limits.

PART I also proposed to change the eligibility requirements of transitional Medicaid to require past participation in Medicaid instead of in the Temporary Assistance for Needy Families program. This PART also proposed funding for the State's share of an additional position to aid in managing Medicaid coverage in the Bureau of Medical Services within the Department of Human Services and the cost of modifying transitional Medicaid assistance is provided.

PART J proposed to expand access to Cub Care to infants under one year of age, expand access to Medicaid for pregnant women and provide funding for those purposes.

PART K proposed to establish and fund the position of school nurse consultant within the Department of Human Services and the Department of Education. The school nurse consultant's duties would include acting as a liaison to school health care provider and policy-setting groups; providing health care, nursing, policy and legal information regarding school nursing, school health care programs and professional development; promoting staff development and promoting nursing excellence and optimal health of school children.

PART L proposed to allocate funds to a biennial reserve account in the Department of Administrative and Financial Services to be used in future biennia as allocated by subsequent Legislatures. It also proposed to allocate 10% of estimated tobacco settlement revenue to the Trust Fund for a Healthy Maine.

PART M proposed to require the working capital advance of \$3,500,000 authorized in Public Law 1999, chapter 401 be repaid by May 1, 2000.

PART N proposed to create the Human Leukocyte Antigen Screening Fund, utilizing a voluntary income tax contribution checkoff. It also proposed to provide a one-time \$250,000 allocation from the Fund for a Healthy Maine for first-year funding of the Human Leukocyte Antigen Screening Fund.

This amendment also proposed to add a fiscal note.

Committee Amendment "B" (H-942), the minority report of the Joint Standing Committee on Appropriations and Financial Affairs, would have replaced the bill.

PART A of this amendment proposed to require that revenues deposited into the Fund for a Healthy Maine that are less than estimated for programs and services supported by the Fund for a Healthy Maine must be reduced proportionately to their share of the overall fund, except the Medical Care - Payments to Providers program.

PART A also proposed to amend the law to eliminate the requirement that the Fund for a Healthy Maine return a working capital advance to the General Fund.

PART A also proposed to provide allocations in 5 areas. It proposed to allocate 10% of estimated tobacco settlement revenue to the Trust Fund for a Healthy Maine. The Partnership for a Tobacco-free Maine is proposed to be funded to create a support system for those who want to quit smoking and for other statewide tobacco interventions. Funds are proposed to implement the recommendations of the Substance Abuse Services Commission, and a program is proposed to be established to improve delivery of and access to quality care for Medicaid recipients. Funding is also proposed to cover an anticipated Medicaid shortfall.

PART B proposed to establish and fund the position of school nurse consultant within the Department of Human Services and the Department of Education. The school nurse consultant's duties would include acting as a liaison to school health care providers and policy-setting groups; providing health care, nursing, policy and legal information regarding school nursing, school health care programs and professional development; promoting staff development, nursing excellence and optimal health of school children.

PART C proposed to create the Maine Biomedical Research Program, using a \$10,000,000 allocation from the Fund for a Healthy Maine. Funds are proposed to support biomedical research with priority given to research and research technologies with the potential to affect diseases, biomedical mechanisms or conditions that are either caused by or related to tobacco use. A report is proposed to be due to the First Regular Session of the 120th Legislature concerning ways to share revenue, including royalties, generated by biomedical research funded by this Act.

PART D proposed to expand the supplemental program of the Low-cost Drug to Maine's Elderly to cover 80% of the cost of generic drugs not covered in the basic program, to institute a catastrophic component whereby the Department of Human Services would establish an annual limit on the total costs to be paid by eligible persons in the program, after which the program must pay 80% of all covered drugs or medications and make the Low-cost Drugs to Maine's Elderly program the payor of last resort through a 3rd-party liability recovery process.

The amendment also proposed to add a fiscal note.

House Amendment "A "to Committee Amendment "A " (H-964) proposed to remove the emergency preamble and emergency clause. It also proposed to adjust the allocation to the Trust Fund for a Healthy Maine accordingly and remove the requirement that the working capital advance be repaid prior to May 1, 2000.

While this bill was indefinitely postponed, allocations from the Fund for a Healthy Maine were included in Public Law 1999, Chapter 731, Part GG to Part VV and Part HHHH-3.

**LD 2555 An Act to Make Supplemental Allocations from the Fund for a
Healthy Maine and to Change Certain Provisions of the Law
Necessary to the Proper Operations of State Government for the
Fiscal Year Ending June 30, 2001**

ONTP