

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Appropriations And Financial Affairs*

May 2002

Members:

Sen. Jill M. Goldthwait, Chair

Sen. Mary R. Cathcart

Sen. S. Peter Mills

Rep. Randall L. Berry, Chair

Rep. Richard H. Mailhot

Rep. Paul L. Tessier

Rep. Joseph C. Brannigan

Rep. David M. Etnier

Rep. Sharon Libby Jones

Rep. Richard A. Nass

Rep. Tom J. Winsor

Rep. Irvin G. Belanger

Rep. Richard W. Rosen

Staff:

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Maine State Legislature
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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

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

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Appropriations and Financial Affairs

Services for costs incurred in the process of collective bargaining, contract administration and related costs.

Private and Special Law 2001, chapter 44 was enacted as an emergency measure effective January 15, 2002.

LD 2060 **An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 to Make Public Infrastructure Improvements** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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ONTP

LD 2060 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. The funds provided by this bond issue, in the amount of \$8,000,000, would have been used to make grants and loans to municipalities for public infrastructure improvements through the Municipal Investment Trust Fund.

LD 2080 **An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003** **PUBLIC 559 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY, R GOLDTHWAIT	OTP-AM MAJ ONTP MIN	H-968 H-986 BERRY, R

PART A proposed to make appropriations and allocations of funds.

PART B proposed to make appropriations and allocations of funds representing reduction proposals or adjustments.

PART C proposed to make appropriations and allocations of funds for approved reclassifications and range changes.

PART D proposed to:

1. Specify the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605;
2. Lapse funds from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02; and

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3. Transfer funds from the Maine Learning Technology Endowment to the General Fund in fiscal year 2001-02.

PART E proposed to:

1. Transfer funds from the Maine Rainy Day Fund to the unappropriated surplus of the General Fund in fiscal years 2001-02 and 2002-03;
2. Postpone for 6 months the scheduled 1/10th of one percent increase in the percentage of tax receipts credited to the Local Government Fund;
3. Postpone for one year the phased-in reductions in rates on telecommunications personal property;
4. Amend the real estate transfer tax laws in order to apply the tax to transfers of controlling interests in entities with an interest in real property in the same manner as transfers of deed and provides that the distribution of the State's share be credited to the General Fund as undedicated revenue;
5. Postpone the indexing of individual income tax rates to tax years beginning on or after January 1, 2004;
6. Amend the law to enact positive income modifications for individuals and corporations, requiring the add-back of any net operating loss deduction carried back for federal income tax purposes. A corresponding negative income modification for individuals and corporations would allow the deduction of any net operating loss carry-back disallowed;
7. Authorize the continuation of 4 limited-period positions in the Department of Administrative and Financial Services, Bureau of the Budget;
8. Transfer funds from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund on or before June 30, 2002;
9. Authorize changes in the state employee health insurance program and authorize the State Budget Officer to calculate the amount of savings that applies against each affected General Fund account and make appropriation adjustments to those accounts by financial order;
10. Authorize use of the General Fund Salary Plan in fiscal years 2001-02 and 2002-03 for authorized Personal Services costs and to receive transfers of Personal Services savings from General Fund accounts;
11. Authorize use of the General Fund and Highway Fund Salary Plan in fiscal years 2001-02 and 2002-03 for range changes and reclassifications in the Department of Public Safety;
12. Authorize the State Budget Officer to transfer in fiscal year 2001-02 identified All Other savings in General Fund accounts and make appropriation adjustments to those accounts by financial order;
13. Authorize the State Budget Officer to calculate in fiscal year 2002-03 All Other savings in General Fund accounts and make appropriation adjustments to those accounts by financial order;
14. Authorize a transfer from the General Fund Revenue Reserve to the unappropriated surplus of the General Fund in fiscal year 2001-02;

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15. Authorize adjustments to the State's cost allocation plan in fiscal years 2001-02 and 2002-03, which must be credited to the General Fund as undedicated revenue;
16. Transfer funds from the Information Services Internal Service Fund to General Fund undedicated revenue in fiscal year 2001-02;
17. Authorize in fiscal years 2001-02 and 2002-03 the transfer by financial order of balances of Personal Services appropriations between General Fund programs and departments;
18. Lapse funds from the BPI Capital Construction/Repair General Fund account to the General Fund in fiscal year 2001-02;
19. Transfer funds from the Fund for a Healthy Maine to the General Fund in fiscal years 2001-02 and 2002-03;
20. Direct any upward General Fund revenue reprojected for fiscal years 2001-02 and 2002-03 to General Fund programs and areas in priority order and amount;
21. Lapse funds from the BGS - Capital Construction & Improvement Reserve Fund - MCJA General Fund account to the General Fund in fiscal year 2001-02; and
22. Transfer funds from the Maine Clean Election Fund to the Maine Rainy Day Fund in fiscal year 2002-03.

PART F proposed to lapse funds from the Attorney General - Contingent General Fund account to the General Fund in fiscal year 2001-02.

PART G proposed to:

1. Authorize the Department of Behavioral and Developmental Services to credit Title IV-E federal reimbursement to the General Fund as undedicated revenue in fiscal year 2002-03;
2. Authorize the State Budget Officer to calculate in fiscal years 2001-02 and 2002-03 position count and amounts in General Fund accounts in the Department of Behavioral and Developmental Services and to make position count and appropriation adjustments to those accounts by financial order; and
3. Authorize the continuation of one project position and 2 limited-period positions in the Department of Behavioral and Developmental Services.

PART H proposed to authorize the General Fund to recover 10% of the annual operating budget of the Maine Land Use Regulation Commission from the 39 towns and plantations served by the commission and proposed to authorize the Commissioner of Conservation to increase parks and land fees by financial order.

PART I proposed to extend to fiscal year 2002-03 the return of a General Fund working capital advance and the repayment from federal funds for the Veterans' Memorial Cemetery from the Department of Defense, Veterans and Emergency Management.

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PART J proposed to authorize a General Fund transfer from fiscal year 2000-01 to be used for tourism promotion in fiscal year 2001-02.

PART K proposed to extend to fiscal year 2002-03 repayment to the Maine Rainy Day Fund for funds transferred in fiscal year 2001-02 to address aquatic plants and nuisance species and to transfer funds in fiscal year 2001-02 from the Underground Oil Storage Replacement Fund to the General Fund as undedicated revenue.

PART L proposed to lapse funds from the Land for Maine's Future General Fund account to the General Fund in fiscal year 2001-02.

PART M proposed to:

1. Require that the Probate Court publish a notice to creditors in all cases rather than allow the personal representative of the estate to publish the notice;
2. Allow the State to file a claim against the assets of an estate as long as the claim is filed within 4 months of the filing for probate or the appointment of a personal representative;
3. Allow the Department of Human Services to adopt administrative rules that impose a penalty for the transfer of certain assets;
4. Lapse funds from the Medical Care - Payments to Providers General Fund account to the General Fund in fiscal year 2001-02;
5. Lapse funds from the Nursing Facilities General Fund account to the General Fund in fiscal year 2001-02; and
6. Lapse funds from the TANF General Fund account to the General Fund in fiscal year 2001-02.

PART N proposed to authorize the transfer of funds from the unappropriated surplus of the General Fund to the General Fund Carrying Balances - Inland Fisheries and Wildlife program and the allotment of those funds in fiscal year 2002-03 by financial order.

PART O proposed to amend the Maine Insurance Code to accrue interest to the General Fund from the Bureau of Insurance Regulatory Fund retroactively to July 1, 1995 and proposed to transfer funds from the Bureau of Insurance Regulatory Fund to the General Fund in fiscal year 2001-02.

Committee Amendment "A" (H-968) proposed the following:

PART A proposed to make appropriations and allocations of funds.

PART B proposed to:

1. Make appropriations and allocations of funds representing reduction proposals or adjustments;
2. Distribute the fiscal year 2001-02 Personal Services savings implemented by financial order to the affected programs; and

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3. Distribute the fiscal year 2001-02 All Other savings implemented by financial order to the affected programs.

PART C proposed to make appropriations and allocations of funds for approved reclassifications and range changes.

PART D proposed to:

1. Specify the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605;
2. Lapse funds from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02;
3. Transfer funds from the Maine Learning Technology Endowment to the General Fund in fiscal year 2002-03;
4. Provide lease-purchase authorization for the Maine Learning Technology Endowment program; and
5. Provide additional appropriations for General Purpose Aid for Local Schools, including additional funding for state wards and state agency clients.

PART E proposed to:

1. Transfer funds from the Maine Rainy Day Fund to the unappropriated surplus of the General Fund in fiscal years 2001-02 and 2002-03;
2. Extend to fiscal year 2002-03 repayment to the Maine Rainy Day Fund for funds transferred in fiscal year 2001-02 to address invasive aquatic plants and nuisance species; and
3. Transfer funds from the Maine Clean Election Fund to the Maine Rainy Day Fund.

PART F proposed to:

1. Authorize the State Controller to establish an Other Special Revenue funds account for the Office of the Treasurer and the Department of Administrative and Financial Services, Bureau of Accounts and Control to recover costs of providing administrative services to the Maine Military Authority; and
2. Repeal the General Fund appropriation for debt service costs of a tax anticipation note issued in fiscal year 2001-02.

PART G proposed to postpone from January 1, 2003 to May 1, 2003 the scheduled 1/10th of one percent increase in the percentage of sales and income tax receipts credited to the Local Government Fund.

PART H proposed to postpone for one year the phased-in reductions in tax rates on telecommunications personal property.

PART I proposed to amend the real estate transfer tax laws in order to apply the tax to transfers of controlling interests in entities with at least a 50% interest in real property in the same manner as transfers

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by deed and proposed to provide that the distribution of the State's share of the additional revenue be credited to the General Fund as undedicated revenue.

PART J proposed to repeal net operating loss carry-backs for tax years beginning on or after January 1, 2002.

PART K proposed to authorize the continuation of 4 limited-period positions in the Department of Administrative and Financial Services, Bureau of the Budget.

PART L proposed to:

1. Adjust the timing of the borrowing through the Maine Governmental Facilities Authority for courthouse projects in Rockland and other locations; and
2. Authorize \$55,000 of unencumbered balance appropriated to the Judicial Department of debt service to carry forward at the end of fiscal year 2001-02.

PART M proposed to transfer funds from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund on or before June 30, 2002.

PART N proposed to increase the State's share of the cost of retired teachers health insurance from 35% to 40% effective April 1, 2003.

PART O proposed to:

1. Authorize use of the General Fund Salary Plan in fiscal years 2001-02 and 2002-03 for authorized Personal Services costs and to receive transfers of Personal Services savings from General Fund accounts;
2. Authorize use of the General Fund Salary Plan and Highway Fund Salary Plan in fiscal years 2001-02 and 2002-03 for range changes and reclassifications in the Department of Public Safety;
3. Authorize in fiscal years 2001-02 and 2002-03 the transfer by financial order of balances of Personal Services appropriations between General Fund programs and departments; and
4. Authorize the State Budget Officer to calculate in fiscal year 2002-03 All Other savings in General Fund accounts and make appropriation adjustments to those accounts by financial order.

PART P proposed to:

1. Authorize adjustments to the state cost allocation plan in fiscal years 2001-02 and 2002-03, which must be credited to the General Fund as undedicated revenue; and
2. Transfer funds from the Information Services Internal Service Fund to General Fund undedicated revenue in fiscal year 2001-02.

PART Q proposed to:

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1. Lapse \$1,200,000 of the \$3,800,000 designated for the demolition of the Maine State Prison at Thomaston from the BPI Capital Construction/Repair General Fund account to the General Fund in fiscal year 2001-02; and
2. Lapse \$250,000 from the BGS - Capital Construction and Improvement Reserve Fund - MCJA General Fund account to the General Fund in fiscal year 2001-02.

PART R proposed to lapse \$80,000 from the Attorney General - Contingent General Fund account to the General Fund in fiscal year 2001-02.

PART S proposed to:

1. Authorize the State Budget Officer to calculate in fiscal years 2001-02 and 2002-03 position count and amounts in General Fund accounts in the Department of Behavioral and Developmental Services and make position count and appropriation adjustments to those accounts by financial order; and
2. Authorize the continuation of one project position and 2 limited-period positions in the Department of Behavioral and Developmental Services.

PART T proposed to authorize the Commissioner of Conservation to increase parks and land fees by financial order.

PART U proposed to:

1. Authorize \$500,000 of the amounts appropriated to the Department of Economic and Community Development, Office of Tourism to be used for tourism promotion in fiscal year 2001-02 rather than being carried forward to fiscal year 2002-03; and
2. Lapse \$6,000 from the Applied Technology Development Center System - Carrying Account in the Department of Economic and Community Development to the General Fund in fiscal year 2001-02.

PART V proposed to:

1. Increase the amount of the cap of the Finance Authority of Maine's Mortgage Insurance Fund from \$20,000,000 to \$35,000,000 to allow additional transfers from the Loan Insurance Reserve in the General Fund at the end of each fiscal year; and
2. Transfer funds in fiscal year 2001-02 from the Underground Oil Storage Replacement Fund in the Finance Authority of Maine to the General Fund as undedicated revenue.

PART W proposed to lapse \$325,000 from the Land for Maine's Future General Fund account to the General Fund in fiscal year 2001-02.

PART X proposed to:

1. Allow personal representatives to pay a fee to the probate court to permit the register to publish a notice to creditors;

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2. Allow the State to file a claim for Medicaid reimbursement against the assets of an estate as long as the claim is filed within 4 months of the filing for probate or the appointment of a personal representative;
3. Allow the Department of Human Services to adopt administrative rules that impose a penalty for the transfer of certain assets;
4. Lapse funds from the Medical Care - Payments to Providers General Fund account to the General Fund in fiscal year 2001-02;
5. Lapse funds from the Nursing Facilities General Fund account to the General Fund in fiscal year 2001-02;
6. Lapse funds from the TANF General Fund account to the General Fund in fiscal year 2001-02;
7. Require an amount not to exceed \$5,583,019 of the carrying balance on June 30, 2001 to be used to reimburse the State's 2 freestanding, nonprofit psychiatric hospitals for services provided to indigent patients when these expenses can not be reimbursed from Medicaid or Disproportionate Share programs; and
8. Require the Department of Human Services and the Department of Behavioral and Developmental Services to pursue federal reforms for disproportionate share payment for institutes for mental disease and report to the joint standing committee of the Legislature having jurisdiction over on appropriations and financial affairs by February 15, 2003.

PART Y proposed to authorize transfer of funds from the unappropriated surplus of the General Fund to the General Fund Carrying Balances - Inland Fisheries and Wildlife program and the allotment of those funds in fiscal year 2002-03 by financial order.

PART Z proposed to amend the insurance code to accrue interest to the General Fund from the Bureau of Insurance Regulatory Fund retroactive to July 1, 1995 and to transfer funds from the Bureau of Insurance Regulatory Fund to the General Fund in fiscal year 2001-02.

PART AA proposed to establish additional reporting requirements for the Fund for a Healthy Maine and adjusts current allocations by establishing new program names to help segregate and improve tracking of Fund for a Healthy Maine expenditures. It also proposed to make adjustments to allocations from the Fund for a Healthy Maine and transfer \$3,200,000 from the Fund for a Healthy Maine to the General Fund.

PART BB proposed to move the Personal Care Assistants program from the Department of Human Services to the Department of Labor.

PART CC proposed to:

1. Amend the laws on child welfare services and provides clarification of the roles of the Department of Human Services and the child's parents;
2. Authorize the courts to hold prehearing conferences in child welfare cases;

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3. Require the Department of Human Services to adopt performance measures and provide quality indicator reports to reflect the additional efforts made possible through appropriations and allocations in this amendment;
4. Require periodic reporting on the progress of the department in meeting the goals and performance measures and in decreasing the number of children in custody and in increasing the number placed with relatives; and
5. Require an automatic suspension of hiring that depends on caseworker caseload size and reporting on this issue to legislative committees.

PART DD proposed to establish 5 demonstration sites to provide adult remedial education services to former students of the Governor Baxter School for the Deaf.

PART EE proposed to change an Assistant to the Commissioner position within the Department of Public Safety to a Deputy Commissioner position.

PART FF proposed to deappropriate funds from savings due to a slower start-up and phase-in of Medicaid coverage to noncategorical eligible adults funded in Public Law 2001, c. 450.

PART GG proposed to provide for conformity of the State's income tax laws and estate tax laws with the United States Internal Revenue Code as of March 15, 2002 with the following exceptions:

1. With regard to the estate tax, for deaths occurring in calendar year 2002, the amount of the estate tax would be calculated without adoption of the federal changes reducing the amount of the federal credit available for state estate tax.
2. With regard to net operating loss carry-backs under the income tax, the amendment would not conform to the federal changes permitting 5-year carry-back for net operating losses occurring in tax year 2001.
3. With regard to depreciation deductions under the income tax, the amendment would provide that for 2002 tax years, conformity with the federal changes permitting a 30% depreciation bonus is proportional to the percentage of the cost of full funding available at the end of fiscal year 2002-03 in the Tax Conformity Reserve account funded through the Maine Rainy Day Fund.

This Part also proposed to provide procedures and priorities for end-of-year transfers of funds for purposes of making funding available for the purposes of the Part.

PART HH proposed to authorize the Department of Human Services to implement the HIV Medicaid waiver granted to the State by the Center for Medicare and Medicaid Services, formerly the Health Care Finance Administration, to provide limited Medicaid coverage to persons who test positive for HIV and who meet the established income eligibility requirements.

PART II proposed to:

1. Require the Department of Human Services to maximize federal reimbursement for oral health services;
2. Specify the intended use of Fund for a Healthy Maine oral health allocations;

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3. Require \$600,000 of the fiscal year 2002-03 Fund for a Healthy Maine allocation for oral health to be used for oral health initiatives stipulated in the Maine Revised Statutes, Title 22, chapter 416-A; and
4. Provide funding in fiscal year 2002-03 for the Department of Human Services to increase dental reimbursement rates under the Medicaid program.

PART JJ proposed to authorize the Maine Technical College System to submit cost items from any collective bargaining agreements of technical college employers for inclusion in the Governor's operating budget.

PART KK proposed to:

1. Extend the exemption of capital security officers from certain law enforcement officer training standards and requirements;
2. Establish a program of training requirements for capitol security officers at the Maine Criminal Justice Academy;
3. Require the Commissioner of the Department of Public Safety to notify the Legislative Council about any prospective rule pertaining to security in the capitol area; and
4. Require the Department of Public Safety, Bureau of Capitol Security to enter into a written agreement with the Bureau of State Police, Special Services Unit, which establishes a protocol for greater coordination.

PART LL proposed to provide that at least \$2,000,000 be available in the telecommunications education access fund over the 4-year period beginning August 1, 2002 for purposes other than to support the learning technology plan and the digital library at the University of Maine.

PART MM proposed to require that, for fiscal years 2003-04 and 2004-05 only, the Governor shall submit a report if the Governor's recommendations for operational costs of applied research and development differ from the equivalent of not less than 2% of total actual General Fund revenue of the previous fiscal year.

PART NN proposed to designate the Thomas M. Teague Biotechnology Center of Maine, located in Fairfield, Maine, as the Biotechnology Center of Maine.

PART OO proposed to require the Commission on Governmental Ethics and Election Practices to provide an estimate of the anticipated funding need for every election. The amendment also proposed to authorize the commission to submit legislation to request additional funding.

PART PP proposed to allow the use of any money received from the sale of armories up to \$300,000 during fiscal year 2002-03 to fund the National Guard Education Assistance Pilot Program.

PART QQ proposed to provide that a retired teacher who is collecting retirement and benefits from the Maine State Retirement System and who becomes an employee of the Legislature be eligible for health insurance in the same manner as any other employee of the Legislature.

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PART RR proposed to provide for implementation of the special retirement provisions for game wardens and marine patrol officers originally enacted last year in Public Law 2001, chapter 439. Beginning September 1, 2002, service by those employees would be credited under new retirement provisions and the increased cost of those benefits would be paid out of money set aside last year. Retroactive application of the special retirement provisions for service by those employees back to September 1, 1984 would occur when the Executive Director of the Maine State Retirement System certified that the full actuarial cost of the special retirement provision has been paid to the Maine State Retirement System by the State.

PART SS proposed the shift of the home-based care program to Medicaid would not cover respite services currently used by consumers of the state-funded program. This Part also proposed to require the Department of Human Services to continue to provide a limited respite benefit for eligible persons, subject to the availability of funds.

House Amendment “K” to Committee Amendment “A” (H-986) proposed to make 2 technical corrections. It proposed to correct the amount appropriated in Part N to reflect the intended amount as indicated in the fiscal note of Committee Amendment "A". It also proposed to refine the application section to Part GG to more clearly identify to what tax years the changes apply.

Enacted Law Summary:

PART	SECTION	DESCRIPTION
A	A-1	Makes appropriations and allocations of funds.
B	B-1	Makes appropriations and allocations of funds representing reduction proposals or adjustments.
	B-2	Distributes the fiscal year 2001-02 personal services savings implemented by financial order to the affected programs.
	B-3	Distributes the fiscal year 2001-02 All Other savings implemented by financial order to the affected programs.
C	C-1:C-5	Makes appropriations and allocations of funds for approved reclassifications and range changes.
D	D-1:D-18	Specifies the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605.
	D-19	Lapses funds from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02.
	D-20	Transfers funds from the Maine Learning Technology Endowment to the General Fund in fiscal year 2001-02.
	D-21	Provides lease purchase authorization for the Maine Learning Technology Endowment program.

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	D-22	Provides additional appropriations for General Purpose Aid for Local Schools.
E	E-1	Transfers funds from the Maine Rainy Day Fund to the unappropriated surplus of the General Fund in fiscal years 2001-02 and 2002-03.
	E-2	Extends to fiscal year 2002-03 repayment to the Maine Rainy Day Fund for funds transferred in fiscal year 2001-02 to address aquatic plants and nuisance species.
	E-3	Transfer funds from the Maine Clean Election Fund to the Maine Rainy Day Fund.
F	F-1:F-2	Authorizes the State Controller to establish an Other Special Revenue account for the Office of the Treasurer and the Bureau of Accounts and Control to recover costs of providing administrative services to the Maine Military Authority.
	F-3	Repeals the General Fund appropriation for debt service costs of a tax anticipation note issue in fiscal year 2001-02.
G	G-1	Postpones from January 1, 2003 to May 1, 2003 the scheduled 1/10th of one-percent increase in the percentage of sales and income tax receipts credited to the Local Government Fund.
H	H-1	Postpones for one year the phased-in reductions in tax rates on telecommunications personal property.
I	I-1:I-15	Amends the Real Estate Transfer Tax laws in order to apply the tax to transfers of controlling interests in entities with at least a 50% interest in real property in the same manner as transfers by deed and provides that the distribution of the State's share of the additional revenue be credited to the General Fund as undedicated revenue.
J	J-1:J4	Repeals net operating loss carry backs for tax years beginning on or after 1/1/02 and retains the 2-year carry back provisions for tax years beginning before 1/1/02.
K	K-1	Authorizes the continuation of four limited-period positions in the Bureau of the Budget.
L	L-1	Adjusts the timing of the borrowing through the Maine Governmental Facilities Authority for courthouse projects in Rockland and other locations.
	L-2	Authorizes \$55,000 of unencumbered balance appropriated to the Judicial Department for debt service to carry forward at the end of fiscal year 2001-02.
M	M-1	Transfers funds from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund on or before June 30, 2002.
N	N-1:N-2	Increases the State's share of the cost of Retired Teachers Health Insurance from 35% to 40% effective April 1, 2003.
O	O-1	Authorizes use of the General Fund Salary Plan in fiscal years 2001-02 and 2002-03 for authorized Personal Services costs and to receive transfers of Personal Services savings from General Fund accounts.

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O-2	Authorizes use of the General Fund and Highway Fund Salary Plans in fiscal years 2001-02 and 2002-03 for range changes and reclassifications in the Department of Public Safety.
O-3	Authorizes in fiscal years 2001-02 and 2002-03 the transfer by financial order balances of Personal Services appropriations between General Fund programs and departments.
O-4	Authorizes the State Budget Officer to calculate in fiscal year 2002-03 All Other savings in General Fund accounts and make appropriation adjustments to those accounts by financial order.
P	P-1 Authorizes adjustments to the state cost allocation plan in fiscal years 2001-02 and 2002-03 which must be credited to the General Fund as undedicated revenue.
	P-2 Transfers funds from the Information Services Internal Service Fund to General Fund undedicated revenue in fiscal year 2001-02.
Q	Q-1 Lapses \$1,200,000 of the \$3,800,000 designated for the demolition of the Maine State Prison at Thomaston from the BPI Capital Construction/Repair General Fund account to the General Fund in fiscal year 2001-02.
	Q-2 Lapses \$250,000 from the BGS – Capital Construction & Improvement Reserve Fund – MCJA General Fund account to the General Fund in fiscal year 2001-02.
R	R-1 Lapses \$80,000 from the Attorney General - Contingent General Fund account to the General Fund in fiscal year 2001-02.
S	S-1 Authorizes the State Budget Officer to calculate in fiscal years 2001-02 and 2002-03 position count and amounts in General Fund accounts in the Department of Behavioral and Developmental Services and make position count and appropriation adjustments to those accounts by financial order.
	S-2 Authorizes the continuation of one project position and two limited-period positions in the Department of Behavioral and Developmental Services.
T	T-1 Authorizes the Commissioner of Conservation to increase parks and land fees by financial order.
U	U-1 Authorizes \$500,000 of the amounts appropriated to the Office of Tourism to be used for tourism promotion in fiscal year 2001-02 rather than being carried forward to fiscal year 2002-03.
	U-2 Lapses \$6,000 from the Applied Technology Development Center System - Carrying Account in the Department of Economic and Community Development to the General Fund in fiscal year 2001-02.

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V	V-1	Increases the amount of the cap of the Finance Authority of Maine's Mortgage Insurance Fund from \$20,000,000 to \$35,000,000 to allow additional transfers from the Loan Insurance Reserve in the General Fund at the end of each fiscal year.	
	V-2	Transfers funds in fiscal year 2001-02 from the Underground Oil Storage Replacement Fund in the Finance Authority of Maine to the General Fund as undedicated revenue.	
W	W-1	Lapses \$325,000 from the Land for Maine's Future General Fund account to the General Fund in fiscal year 2001-02.	
X	X-1	Allows personal representatives to pay a fee to the probate court to permit the register to publish a notice to creditors.	
	X-2:X-4	Allows the State to file a claim for Medicaid reimbursement against the assets of an estate as long as the claim is filed within 4 months of the filing for probate or the appointment of a personal representative.	
	X-5	Allows the Department of Human Services to adopt administrative rules that impose a penalty for the transfer of certain assets.	
	X-6	Lapses funds from the Medical Care – Payments to Providers General Fund account to the General Fund in fiscal year 2001-02.	
	X-7	Lapses funds from the Nursing Facilities General Fund account to the General Fund in fiscal year 2001-02.	
	X-8	Lapses funds from the TANF General Fund account to the General Fund in fiscal year 2001-02.	
	X-9	Requires up to \$5,583,019 of the carrying balance on June 30, 2001 to be used to reimburse the State's 2 free-standing, non-profit psychiatric hospitals for services provided to indigent patients when these expenses can not be reimbursed from Medicaid or Disproportionate Share programs.	
	X-10	Requires the Departments of Human Services and Behavioral and Developmental Services to pursue federal reforms for disproportionate share payment for institutes for mental disease and report to the Joint Standing Committee on Appropriations and Financial Affairs by February 15, 2003.	
	Y	Y-1	Authorizes the transfer of funds from the unappropriated surplus of the General Fund to the General Fund Carrying Balances – Inland Fisheries and Wildlife program and the allotment of those funds in fiscal year 2002-03 by financial order.
	Z	Z-1:Z-3	Amends the insurance code to accrue interest to the General Fund from the Bureau of Insurance Regulatory Fund retroactive to July 1, 1995 and transfers funds from the Bureau of Insurance Regulatory Fund to the General Fund in fiscal year 2001-02.
AA	AA-1:AA-8	Establishes additional reporting requirements for the Fund for a Healthy Maine and adjusts current allocations by establishing new program names to help segregate and improve tracking of Fund for a Healthy Maine expenditures.	

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BB	BB-1:BB-6	Moves Personal Care Assistants program from DHS to the Department of Labor.
CC	CC-1:CC-8	Implements a child welfare initiative that includes: changes to the laws on child welfare services; provides clarification of the roles of the Department of Human Services and parents; authorizes the courts to hold prehearing conferences in child welfare cases; requires the Department of Human Services to adopt performance measures and provide quality indicator reports; and implements an automatic suspension of hiring of caseworkers based on caseworker caseload sizes. Part CC also provides funding for additional caseworkers and case aides, paralegal services, and other support staff and provides funding for a number of other child welfare initiatives including: safe and sober home programs, family visitation services, kinship projects, expanding the community intervention program, family support pilot programs, and continuing pilot programs for homeless youth (Related to LD 2031).
DD	DD-1:DD-4	Establishes 5 demonstration sites to provide adult remedial education services to former students of the Governor Baxter School for the Deaf (Related to LD 1889).
EE	EE-1:EE-2	Changes an Assistant to the Commissioner position within the Department of Public Safety to a Deputy Commissioner position.
FF	FF-1	Deappropriates funds from savings due to a slower start-up and phase-in of Medicaid coverage to noncategorical eligible adults funded in PL 2001, c. 450.
GG	GG-1:GG-26	Establishes partial conformity with the US Internal Revenue Code as of 3/15/02 for purposes of the estate tax and the income tax. Conformity is established for the estate tax except for deaths occurring in 2002. Conformity for the income tax for tax years beginning in 2002 is contingent upon adequate resources being transferred to the General Fund from the Tax Conformity Reserve. A conformity factor is established to adjust the income tax with respect to depreciation, if resources are not adequate. This part also provides for the transfer of savings from any Federal Financial Participation rate change to the Maine Rainy Day Fund and establishes the order of priority for the transfers from the General Fund unappropriated surplus at the close of fiscal year 2001-02.
HH	HH-1:HH-3	Requires the Department of Human Services to administer a program to limit coverage to persons who test positive for HIV; the HIV Medicaid waiver program.
II	II-1:II-4	Directs the use of certain allocations from the Fund for a Healthy Maine designated for oral health initiatives to provide one-time grants to community oral health programs, to increase oral health services provided through Medicaid and to increase Medicaid dental reimbursement rates.
JJ	JJ-1	Establishes that cost items in the Maine Technical College System collective bargaining agreements are to be included in the Governor's budget and are subject to Legislative approval.

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KK	KK-1:KK-6	Establishes a program of training requirements for capitol security officers at the Maine Criminal Justice Academy; requires the Commissioner of Public Safety to notify the Legislative Council about prospective rules pertaining to security in the capitol area; and requires the Department of Public Safety to establish a protocol for greater coordination between the Bureau of Capitol Security and the Bureau of State Police, Special Services Unit.
LL	LL-1	Provides that at least \$2,000,000 be available in the Telecommunications Education Access Fund over the 4-year period beginning August 1, 2002 for purposes other than to support the learning technology plan and the digital library at the University of Maine.
MM	MM-1	Requires that, for fiscal years 2003-04 and 2004-05 only, the Governor submit a report if the Governor's recommendations for operational costs of applied research and development differ from the equivalent of not less than 2% of total actual General Fund revenue of the previous year.
NN	NN-1	Designates the Thomas M. Teague Biotechnology Center of Maine, located in Fairfield, Maine, as the Biotechnology Center of Maine.
OO	OO-1	Requires the Commission on Governmental Ethics and Election Practices to provide an estimate of the anticipated funding need for every election and authorizes the commission to submit legislation to request additional funding.
PP	PP-1:PP-2	Allows the use of any money received from the sale of armories up to \$300,000 during fiscal year 2002-03 to fund the National Guard Education Assistance Pilot Program.
QQ	QQ-1	Provides that a retired teacher who is collecting retirement and benefits from the Maine State Retirement System and who becomes an employee of the Legislature be eligible for health insurance in the same manner as any other employee of the Legislature.
RR	RR-1:RR-19	Provides for the implementation of the special retirement plan for game wardens and marine patrol officers originally enacted by PL 2001, c. 439 on a contingent basis.
SS	SS-1:SS-2	Requires the Department of Human Services to continue to provide a limited respite benefit for eligible persons, subject to availability of funds, as a result of the shift of the home-based care program to Medicaid.

Public Law 2001, chapter 559 was enacted as an emergency measure effective March 25, 2002.