

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Appropriations and Financial Affairs*

May 2004

Members:

Sen. Mary R. Cathcart, Chair

Sen. Margaret R. Rotundo

Sen. Karl W. Turner

Rep. Joseph C. Brannigan, Chair

Rep. Richard H. Mailhot

Rep. Scott W. Cowger

Rep. Benjamin F. Dudley

Rep. Sean Faircloth

Rep. Hannah Pingree

Rep. Richard W. Rosen

Rep. S. Peter Mills

Rep. H. Sawin Millett, Jr.

Rep. Julie Ann O'Brien

Staff:

James K. Dionne, Principal Analyst

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Maine State Legislature

Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature Second Regular Session and Second Special Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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/billsumm.htm).

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director

Offices located in Room 215 of the Cross Office Building

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

LD 1591

An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System

ONTP

Sponsor(s)
BRENNAN
BRANNIGAN

Committee Report
ONTP

Amendments Adopted

LD 1591 was carried over from the First Regular Session and proposed to authorize a General Fund bond issue in the amount of \$13,300,000 to be used for the following purposes:

1. The sum of \$4,000,000 to address health, safety and compliance deficiencies in the University of Maine System;
2. The sum of \$2,000,000 to expedite the creation of a community college system;
3. The sum of \$2,000,000 to make improvements to state parks;
4. The sum of \$4,000,000 to make cultural improvements; and
5. The sum of \$1,300,000 to modernize the state court system.

LD 1572, Public and Special 2003, chapter 33, which was approved by the voters in November 2003, authorizes a General Fund issue in the amount of \$2,500,000 to address health, safety and compliance deficiencies in the University of Maine System.

LD 1636

An Act To Make Additional 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, 2004 and June 30, 2005

**PUBLIC 507
EMERGENCY**

Sponsor(s)
BRANNIGAN

Committee Report
OTP

Amendments Adopted
S-344 CATHCART
S-353 MARTIN

LD 1636 was considered during the First Special Session of the 121st Legislature in August 2003.

Part A proposed to correct errors in the original language of the budget bills dealing with the hospital payment equity project. The original language failed to specifically segregate the deappropriations in the state employees health insurance and university employees insurance programs from appropriations made

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to the MaineCare program. The appropriations were for the purpose of funding improvements in Medicaid reimbursement for hospital services and achieving greater parity with payments to providers of public employee health services.

Part B proposed to make appropriations and allocations of funds to the Department of Human Services for elder and adult services, congregate housing and long-term care.

Part C proposed to lower the license fees to operate a hospital from \$100 to \$40 for each bed and to operate a nursing or convalescent home from \$45 to \$26 for each bed to be consistent with assumed revenue associated with enactment of Public Law 2003, chapter 20, Part K. Part C also proposed to provide for a carry-over of federal funds from fiscal year 2002-03 to September 30, 2005 for use by the Area Agencies on Aging. Part C also proposed to recognize undedicated General Fund revenue returned from providers as an offset to the General Fund appropriations in Part B.

Senate Amendment “A” (S-344) proposed to make a technical change to the bill to clarify that the aggregate share of contributions by employees and retirees might increase as a proportion of the total cost.

Senate Amendment “B” (S-353) proposed to repeal the section of chapter 333 that repealed Title 12, section 7467, subsection 8, thus leaving subsection 8 in force. Further, it proposed to make the change effective September 13, 2003, which was the date chapter 333 was to take effect.

Public Law 2003, chapter 333 repealed the Maine Revised Statutes, Title 12, section 7464, subsection 7, which prohibited the illegal possession of a gift moose, and Title 12, section 7464, subsection 8, which prohibited the buying and selling of moose. Although the repeal of Title 12, section 7467, subsection 7 was intentional, Title 12, section 7467, subsection 8 was repealed in error.

Enacted Law Summary:

Public Law 2003, chapter 507 was considered during the First Special Session of the 121st Legislature.

Part A corrects errors in the original language of the budget bills dealing with the hospital payment equity project. The original language failed to specifically segregate the deappropriations in the state employees health insurance and university employees insurance programs from appropriations made to the MaineCare program. The appropriations are for the purpose of funding improvements in Medicaid reimbursement for hospital services and achieving greater parity with payments to providers of public employee health services.

Part B makes appropriations and allocations of funds to the Department of Human Services for elder and adult services, congregate housing and long-term care.

Part C lowers the license fees to operate a hospital from \$100 to \$40 for each bed and to operate a nursing or convalescent home from \$45 to \$26 for each bed to be consistent with assumed revenue associated with enactment of Public Law 2003, chapter 20, Part K. Part C also provides for a carry-over of federal funds from fiscal year 2002-03 to September 30, 2005 for use by the Area Agencies on Aging. Part C also recognizes undedicated General Fund revenue returned from providers as an offset to the General Fund appropriations in Part B.

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This law also repeals the section of chapter 333 that repealed Title 12, section 7467, subsection 8, thus leaving subsection 8 in force. Further, it proposed to make the change effective September 13, 2003, which was the date chapter 333 was to take effect. Public Law 2003, chapter 333 repealed the Maine Revised Statutes, Title 12, section 7464, subsection 7, which prohibited the illegal possession of a gift moose, and Title 12, section 7464, subsection 8, which prohibited the buying and selling of moose. Although the repeal of Title 12, section 7467, subsection 7 was intentional, Title 12, section 7467, subsection 8 was repealed in error.

Public Law 2003, chapter 507 was enacted as an emergency measure and took effect August 26, 2003.

LD 1647	An Act To Authorize a General Fund Bond Issue in the Amount of \$3,000,000 To Build a Warehouse To Stimulate and Support Maine's Manufacturing, Transportation and Harbor Industries	ONTP
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<u>Sponsor(s)</u> USHER HATCH, PH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1647 proposed to authorize a General Fund bond issue in the amount of \$3,000,000, to be used to construct a warehouse facility at Merrill's Marine Terminal in the Port of Portland.

LD 1673	An Act To Provide Funding for the Commission on Governmental Ethics and Election Practices	ONTP
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<u>Sponsor(s)</u> COLWELL GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1673 proposed the following.

Part A of this bill proposed to appropriate funds to the Commission on Governmental Ethics and Election Practices for the following purposes:

1. To provide additional funding for the Maine Clean Election Fund;
2. To provide additional funds for temporary workers needed for election-related data entry and clerical tasks;
3. To provide additional funds for certain technology costs; and
4. To provide additional funds for per diem payments for commission members.