

# 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:**

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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](http://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 1919**

**PUBLIC LAW 673**

**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, 2004 and June 30, 2005**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN CATHCART	OTP-AM MAJ ONTP MIN	H-904 H-932 BRANNIGAN H-935 BRANNIGAN H-937 BRANNIGAN H-958 BRANNIGAN H-964 BRANNIGAN H-965 BRANNIGAN S-518 YOUNGBLOOD S-543 CATHCART

LD 1919 proposed the following:

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	To make appropriations and allocations of funds.
B	B-1	To make appropriations and allocations of funds for approved reclassifications and range changes.
C	C-1	To authorize the Commissioner of the Department of Administrative and Financial Services to appoint an associate commissioner for administrative services.
	C-2	To establish the Associate Commissioner, Administrative Services as a major policy influencing position within the Department of Administrative and Financial Services.
	C-3	To amend PL 2003, c. 20 as it related to positions established in Maine Revenue Services by removing the stipulation that they are limited period positions.
	C-4	To amend the provisions of PL 2003, c.20 to clarify the lease-purchase language for Central Fleet Management to be applicable for each year of the biennium.
	C-5	To authorize the State Budget Officer to transfer savings resulting from the Retirement Incentive Program from General Fund and Other Special Revenue Fund accounts to the General Fund Salary Plan account.
	C-6	To authorize the State Budget Officer to transfer savings from the Retirement Incentive Program from Highway Fund accounts to the Highway Fund Salary Plan account.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	C-7	To authorize payment to be made to those employees who were denied merit increases in fiscal year 2003-04.
	C-8	To authorize payment to be made to those Institutional Services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004.
	C-9	To provide for the calculation and transfer of statewide savings in the General Fund in the cost of health insurance for fiscal year 2004-05 that are identified in Part A, section 1.
	C-10	To authorize the allotment of funds in the Bureau of Alcoholic Beverages and the Alcoholic Beverage Freight accounts in the Department of Administrative and Financial Services to be made by financial order during fiscal year 2004-05 upon the request of the State Budget Officer and approval of the Governor.
	C-11	To authorize the Department of Administration and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.
	C-12	To authorize the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund, after retaining a reasonable amount of working capital.
	C-13	To authorize the State Controller to recover, through the state cost allocation program, \$915,640 associated with prior year payments by the General Fund to the Maine State Retirement System.
	C-14	To authorize the State Controller to recover, through the state cost allocation program, \$28,000 in fiscal year 2003-04 and \$142,000 in fiscal year 2004-05 associated with Home Land Security Grant Programs awarded to the Department of Defense, Veterans and Emergency Management.
	C-15	To authorize the Bureau of General Services to use funds no longer required for the Thomaston State Prison Demolition project, for the Hazardous Material Abatement and Removal and Demolition of the State Armory in Caribou.
D	D-1	To adopt pre-EGTRRA federal law for the Maine estate tax for decedents dying after 2004. The bill does not address estates of decedents dying in 2010 when the federal estate tax is fully repealed (for that year only) along with the federal determination of the value of the estate, upon which Maine relies in its determination of the Maine estate tax.
E	E-1	To repeal the minimum taxability thresholds for nonresident taxpayers.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
F	F-1	To disallow the use of Maine credits against the Maine minimum tax for tax years beginning after 2003.
G	G-1	To establish criteria to disqualify certain tax-motivated lease transactions from the credit transfer provisions of the high-technology investment tax credit.
H	H-1	To lapse \$36,000 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal year 2003-04.
I	I-1	To amend the law as it relates to rulemaking for access to home health care.
	I-2	To amend the law to permit the establishment of cost caps in the ICF/MR program.
	I-3	To amend the law to allow the Commissioner of the Department of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center.
	I-4	To amend the law to establish a non-lapsing account for the funds associated with the retail store operation.
J	J-1	To amend the law relating to the use of the Boating Facilities Fund in the Department of Conservation.
	J-2	To repeal Part V of PL 2003, chapter 513 that transferred funds from the Shore and Harbor Management Fund to the General Fund.
	J-3	To authorize the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2004.
	J-4	Authorizes the State Controller to transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Fund account to the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2004.
	J-5	To lapse \$193,241 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation to the unappropriated surplus of the General Fund in fiscal year 2003-04.
K	K-1:K-5	To amend the law to specify that savings in health insurance costs related to hospital rate adjustments do not apply to fiscal year 2004-05.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
L	L-1	To authorize the Department of Corrections to enter into a lease-purchase arrangement for the acquisition of energy savings equipment.
M	M-1	To amend the law related to the policy influencing positions in the Department of Economic and Community Development.
	M-2	To amend the law to establish the Office of Innovation in the Department of Economic and Community Development and reallocates statutory provisions related to the State's science and technology plan and comprehensive research and development evaluation to that office.
	M-3	To move the duties of the Maine Technology Institute and the Applied Technology Development Centers under the Office of Innovation.
	M-4	To repeal the section of the statutes related to the Maine Promotion Council Cooperative.
	M-5	To repeal outdated duties of the Commissioner of the Department of Economic and Community Development.
N	N-1	To amend the law to establish the maximum debt service limits for school construction for 2008 and 2009.
	N-2	To clarify the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, Chapter 92, Part B.
	N-3	To specify the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
O	O-1	To authorize encumbered balances for automating the department's licensing, registration and permitting processes to carry forward until June 30, 2005.
P	P-1	To amend the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.
	P-2	To authorize the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.
Q	Q-1	To repeal those provisions of law related to the Occupational Safety Loan Fund in the Department of Labor.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	Q-2	To amend the law to provide for transfers of payments of outstanding Occupational Safety Loan Fund loans from the Finance Authority of Maine to the Safety Education and Training Fund in the Department of Labor.
R	R-1	To amend the law as it relates to the borrowing capacity of the Maine Maritime Academy.
S	S-1	To amend the law to move the State Nuclear Safety Advisor position from the State Planning Office to the Office of the Public Advocate.
T	T-1	To repeal that provision of law that sunsets the Maine Computer Crimes Task Force.
	T-2	To establish the repeal of the sunset provision retroactively to January 1, 2004.
U	U-1	To amend the law related to the Uniform Unclaimed Property Act to establish the definition of a store-value card.
	U-2	To amend the law to include a provision mandating that records of the owner of store-value cards be maintained.
V	V-1	To authorize the Department of Human Services and Behavioral and Developmental Services to establish separate categories of licensure for facilities providing private non-medical institutional services to MaineCare eligible individuals.
	V-2	To enact a 5% tax, effective July 1, 2004, on the value of the following services provided in this State: extended cable television services; fabrication services; video rentals; rent-to-own services; telecommunications services; installation, maintenance or repair of telecommunications equipment; and private nonmedical institution services.
	V-3	To provide that if the seller of a taxable service includes the tax on a customer's bill, it must be shown as a separate line item and identified as a "Service Provider Tax."
	V-4	To amend the sales tax law by removing from the tax base those services that are subject to the newly-enacted service provider tax.
	V-5	Provides that revenue sharing will continue with respect to revenues derived from services currently covered by the sales tax but covered as of July 1, 2004 by the service provider tax.



## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
W	W-1	To amend the law to authorize the Department of Human Services to collect fees for researching its files for child protective records, and providing child protective records to licensing agencies, employers, and other non-governmental persons.
	W-2	To amend the law to authorize the Department of Human Services to promulgate rules regarding the payment of fees, and provides that the fees be deposited in the General Fund.
X	X-1	To authorize the Department of Human Services to increase the maximum license fee from \$40 to \$100 for schools; from \$10 to \$60 for each eating establishment in municipalities authorized by the department to conduct such inspections; and from \$125 to \$150 for other licensed establishments.
	X-2	To require the Department of Human Services to issue a conditional license to a new applicant that does not meet the regulations. The current language requires the department to issue a conditional license to all applicants, even those that are renewing.
	X-3	To authorize the Department of Human Services to conduct rulemaking to require all licensed eating establishments to employ at least one certified food service manager no later than January 1, 2007. The phase in period will begin in 2005. The rules would establish different categories for differing eating places.
	X-4	To authorize the Department of Human Services to increase the fines from \$50 to \$100 for each unresolved violation, and increase the penalty for operating without a license from an existing range of \$10-\$100, to a new range of \$25-\$200.
	X-5	Proposed to increase the fee from \$10 to \$60 for eating establishments in municipalities that do their own inspections.
	X-6	Proposed to make a technical correction.
Y	Y-1	To amend the law to clarify the State's existing authority to file a claim against the surviving spouse of a MaineCare recipient.
Z	Z-1	To make changes to the mandatory reporting requirements for abuse and neglect, consistent with changes recommended by the U.S. Department of Health and Human Services, Administration for Families and Children. It would require the Department of Human Services to collect and investigate all reports regarding infants born affected by substance abuse or after prenatal exposure to drugs, and to provide services to the child and family which address that set of circumstances.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
AA	AA-1	To redefine a mass gathering event to include persons staying, camping or otherwise temporarily residing on property contiguous to the property of the event.
	AA-2	To authorize the department to require an application with a fee prior to reviewing and issuing a permit to any mass outdoor gathering.
	AA-3	To require any applicant to submit an application no later than 120 days prior to the anticipated event, while requiring the department to respond within 30 days. Final approval or disapproval by the department would be not later than 30 days prior to the event.
	AA-4	To clarify the bonding requirement by specifically allowing an applicant to obtain personal liability insurance for such an event.
	AA-5	To authorize the department to raise the permit fee from \$100 to a maximum of \$750 and to include travel costs when billing the applicant.
BB	BB-1:BB-3	To amend the law to clarify MaineCare's authority to include non probate assets in estate recovery, specifically those in which the individual had any legal title or interest at the time of death, including such assets conveyed through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement.
CC	CC-1	To amend the law to require that retail tobacco licenses be renewed annually and directs the revenue to the General Fund.
DD	DD-1	To amend the law to change the requirement mandating that the MaineCare program provide dental services to adults 21 years of age and older.
	DD-2	Amends the law related to the medical eye care program to redefine the income levels and copayment provisions.
	DD-3	To authorize unencumbered balances of funds in the General Assistance program in the Department of Human Services to be carried forward each fiscal year to be used for the same purposes.
	DD-4	To amend the law to provide the Department of Human Services with access to information on real estate transfers for the purpose of determining financial eligibility for MaineCare services.
	DD-5	To authorize the State Controller to accept fiscal year 2002-03 balances returned by providers as General Fund unappropriated surplus in fiscal year 2004-05.
	DD-6	To authorize the Commissioner of the Department of Human Services to make changes in coverage and place limitations on the extent of coverage for adults qualifying for MaineCare coverage.

# JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

## PART   SECTION   DESCRIPTION

	DD-7	To authorize the Department of Human Services to implement a retroactive rule to recover funds for return on equity, previously allowable as an expense to nursing facilities.
	DD-8	To authorize the Department of Human Services to establish minimum record keeping requirements for agencies administering Temporary Assistance for Needy Families programs.
	DD-9	To specify that \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapses to the General Fund in fiscal year 2003-04.
EE	EE-1	To amend the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004.
FF	FF-1:FF-3	To amend the law to require group health insurance policies and contracts, other than those covering employees of employers with 20 or fewer employees, to provide coverage for crisis and crisis residential services.
GG	GG-1: GG-3	To amend the law to allow fees from Borrow Pits and Mining to be deposited in the Maine Environmental Protection Fund consistent with the merger of the Borrow Pit Account into the Fund as a sub-account in Part A of the bill.
HH	HH-1	To amend the law to increase the allowable level of tax that may be imposed on hospital net revenues up to but not exceeding 2.03%.
	HH-2	To amend the law to allow hospitals to pay any tax levied against them in two equal payments, one due in November of the state fiscal year and the other due in May.
II	II-1	To assess a fee on all pass-through entities required to file with Maine Revenue Services. The fee would be assessed to cover processing, tax compliance, audit activities, handling, storage, other administrative costs and revenues lost because of noncompliance by members of pass-through entities. Revenue generated by the service fee would not be subject to the calculation for determining the amount for the Local Government Fund.
	II-2	To impose a failure to file penalty for pass-through entities required to file an informational return.
JJ	JJ-1	To amend the law to provide for a calculation of Maine alternative minimum taxable income for purposes of imposing the Maine alternative minimum tax and removes the inequity of having artificially lower dividend and capital gains rates under Maine alternative minimum tax, but not for regular tax.

# JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

## PART   SECTION   DESCRIPTION

	JJ-2	To change the rate structure for Maine alternative minimum tax from a flat rate (27%) applied to adjusted federal minimum tax to a graduated rate applied to Maine alternative minimum taxable income. The calculation would maintain the exemption amounts provided by the Internal Revenue Code effective as of December 31, 2002.
KK	KK-1:KK-2	To change the calculation of the interest rate on payments as well as refunds to that of the prime rate plus 3 percentage points, rather than the current formula of the prime rate plus 2 percentage points. This change would be effective July 1, 2004.
LL	LL-1	To implement the recommendations of a review of the functions of the ACE Service Center to place the center under the direct authority of the Department of Environmental Protection.
	LL-2	To amend the law to increase the transfer from the Maine Environmental Protection Fund in the Department of Environmental Protection to the General Fund by \$2,500 each year of the biennium.
	LL-3	To repeal the provision of law authorizing a transfer from the State Revolving Fund account in the Department of Environmental Protection to the General Fund.
	LL-4	To require that \$172,573 of the unencumbered balance forward in the Administrative Services Unit – ACE Cluster Other Special Revenue Funds account in the Department of Environmental Protection would be transferred to the General Fund in fiscal year 2003-04.
MM	MM-1	To authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games.
NN	NN-1	Amends the definition of personal care agency to include individuals who are managing their own services with public funds.
	NN-2	To amend the Controlled Substances Prescription Monitoring Program to allow staff managing the pharmacy benefit within the Bureau of Medical Services, Department of Human Services, or those designated to assist in the administration of that benefit, to access prescription information regarding individuals in MaineCare for the purposes of detecting and preventing substance abuse.
OO	OO-1	To clarify the administrative and financial relationship between the Maine Military Authority and the State.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	OO-2	To express the intent of the Legislature for the Maine Military Authority to preserve existing terms and conditions of employment for those employees and the management practices relating to the terms and conditions of their employment to the greatest extent possible, as consistent with the Civil Service Law and the State Employees Labor Relations Act.
	OO-3	To provide that employees who were hired after the effective date of this bill would have the same rights and benefits as transferred employees.
	OO-4: OO-14	To require that agreements between the Maine Military Authority and the bargaining agents in effect at the time of the Authority's status change to an Executive Branch agency must be maintained for bargaining unit personnel until changed in accordance with applicable labor law principles.
PP	PP-1	To amend the law to increase the statewide E-9-1-1 surcharge by seven cents.
	PP-2	To amend the law to specify that the increased amount of the surcharge be deposited in the General Fund.
QQ	QQ-1	To amend the law to allow the program to pay expenses of advisory committee members who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.
	QQ-2: QQ-3	To amend the law to delete the sunset on the provision which allows an institution to apply a Maine State Grant to reduce institutional or other grant aid provided the institution grants the institutional or grant aid to a student with demonstrated financial need.
RR	RR-1	To amend the law to move forward to July 1, 2004 the sales tax exemption on construction contractors and tangible personal property for Pine Tree Development Zones.
SS	SS-1	To authorize the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority.
	SS-2	To authorize the State Controller to transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
	SS-3	To transfer the Transportation Building from the Bureau of General Services within the Department of Administrative and Financial Services to the Department of Transportation. This is the only state property related to transportation that is not currently owned by the Department of Transportation.

# JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
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	SS-4	To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to determine the scope of services and responsibilities of each Department and to report to the Joint Standing Committees of the Legislature for Appropriations and Financial Affairs, Transportation, and State and Local Government by January 30, 2005 with respect to the management and oversight of the Transportation Building Property.
	SS-5	To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to present any necessary budget adjustments related to the management and operation of the Transportation Building Property to the next regular session of the Legislature.
	SS-6	To authorize the State Controller to transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
TT	TT-1	To increase the surcharge on every fine, forfeiture or penalty imposed by State courts and appropriates the monies generated by that increase to the General Fund.
	TT-2	To increase the minimum mandatory fine for suspensions related to operating under the influence offenses.
	TT-3	To increase and makes mandatory the minimum fine for first time operating after suspension offenses.
	TT-4	To impose a new minimum fine for second and subsequent operating after suspension offenses.
	TT-5	To impose a minimum fine for operating after revocation offenses.
	TT-6	To increase the minimum mandatory fines for operating under the influence offenses.
UU	UU-1	To amend the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after July 1, 2004.
VV	VV-1	To authorize the Department of Public Safety to establish two State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

Committee Amendment “A” (H-904) was the majority report and proposed the following:

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	To make appropriations and allocations of funds.
B	B-1	To make appropriations and allocations for approved reclassifications and range changes.
C	C-1:C-4	To authorize the Commissioner of the Department of Administrative and Financial Services to appoint an Associate Commissioner, Administrative Services as a major policy influencing position.
	C-5	To amend the provisions of PL 2003, c.20 to clarify the lease-purchase language for Central Fleet Management to be applicable for each year of the biennium.
	C-6:C-7	To authorize the State Budget Officer to transfer savings resulting from the Retirement Incentive Program from General Fund and Other Special Revenue Fund accounts to the General Fund Salary Plan account and from Highway Fund accounts to the Highway Fund Salary Plan account.
	C-8	To authorize the State Controller to recover, through the state cost allocation program, \$915,640 associated with prior year payments by the General Fund to the Maine State Retirement System.
	C-9	To authorize the State Controller to recover, through the state cost allocation program, \$28,000 in fiscal year 2003-04 and \$142,000 in fiscal year 2004-05 associated with homeland security grant programs awarded to the Department of Defense, Veterans and Emergency Management.
	C-10	To authorize the Bureau of General Services to use \$111,856 no longer required for the Thomaston State Prison Demolition project, for the Hazardous Material Abatement and Removal and Demolition of the State Armory in Caribou.
	C-11	To authorize the use of \$44,000 in FY 2004-05 in the State Contingent Account designated for the promotion of Maine for emergency purposes.
D	D-1:D-9	To adopt pre-EGTRRA federal law for the Maine estate tax for decedents dying after 2004. The bill does not address estates of decedents dying in 2010 when the federal estate tax is fully repealed (for that year only) along with the federal determination of the value of the estate, upon which Maine relies in its determination of the Maine estate tax.
E	E-1:E-3	To amend the minimum taxability threshold for nonresident taxpayers by reducing the number of days spent in Maine that triggers a nonresident income tax liability from 21 days to 11 days. The income threshold of \$6,000 is eliminated.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
F	F-1:F-2	To disallow the use of Maine income tax credits against the Maine alternative minimum income tax for tax years beginning after 2003.
G	G-1:G-3	To establish criteria to disqualify certain tax-motivated lease transactions from the high-technology investment tax credit beginning after 2003.
H	H-1	To lapse \$36,000 in FY04 and \$84,306 in FY05 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal year 2003-04.
	H-2	To appropriate \$16,000 in FY04 and \$20,000 in FY05 to recognize All Other savings from lapsing \$36,000 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources.
	H-3	To appropriate \$84,306 in FY05 to establish one limited-period Nutrient Management Coordinator position to direct and further develop the Nutrient Management Program.
I	I-1:I-2	To amend the law to allow the Commissioner of the Department of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center and to establish a non-lapsing dedicated account for store income and expenses.
J	J-1	To amend the law relating to the use of the Boating Facilities Fund in the Department of Conservation so that funds may be provided to state agencies.
	J-2	To repeal Part V of PL 2003, chapter 513 that transferred \$1,000,000 from the Shore and Harbor Management Fund to the General Fund.
	J-3	To authorize the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2004.
	J-3	To authorize the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2004.
	J-4	To authorize the State Controller to transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Fund account to the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2004.
	J-5	To lapse \$193,241 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation to the unappropriated surplus of the General Fund in fiscal year 2003-04.



## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
K	K-1:K-5	To provide that savings in health insurance costs related to hospital rate adjustments do not apply to fiscal year 2004-05 and makes the necessary offsets to statewide appropriations and allocations.
L	L-1	To authorize the Department of Corrections to enter into a lease-purchase arrangement for the acquisition of energy-savings equipment.
M	M-1:M-9	To amend the laws related to the Department of Economic and Community Development to reorganize certain activities and to establish the Office of Innovation in the Department of Economic and Community Development and reallocate statutory provisions related to the State's science and technology plan and comprehensive research and development evaluation to that office. Also proposed to reallocate resources within the Department as part of a departmental reorganization.
N	N-1	To amend the statewide local share amount of the operating costs allocation for fiscal year 2004-05 for purposes of education funding.
	N-2	To establish the maximum debt service limits for school construction for 2008 and 2009.
	N-3	To clarify the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, Chapter 92, Part B.
	N-4:N-18	To specify the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
	N-19	To deappropriate funds in fiscal year 2003-04 due to lower than expected costs for state agency clients and from construction audit recoveries and to provide additional funding for general purpose aid for local schools in fiscal year 2004-05.
O	O-1	To authorize encumbered balances for automating the Department of Inland Fisheries and Wildlife's licensing, registration and permitting processes to carry forward until June 30, 2005.
P	P-1	To amend the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.
	P-2	To authorize the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.
Q	Q-1:Q-4	To repeal those provisions of law related to the Occupational Safety Loan Fund in the Department of Labor.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	Q-5	To amend the law to provide for transfers of payments of outstanding Occupational Safety Loan Fund loans from the Finance Authority of Maine to the Safety Education and Training Fund in the Department of Labor.
R	R-1	To increase the maximum borrowing capacity of the Maine Maritime Academy, from \$4,000,000 to \$10,000,000.
S	S-1:S-2	To move the State Nuclear Safety Advisor position from the State Planning Office to the Office of the Public Advocate and make related allocations.
T	T-1:T-2	To reenact the Maine Computer Crimes Task Force retroactively to January 1, 2004.
U	U-1:U-2	To amend the law related to the Uniform Unclaimed Property Act to establish the definition of a store-value card and to mandate record-keeping by sellers of store-value cards.
V	V-1:V-3;V-6	To authorize the Department of Human Services and the Department of Behavioral and Developmental Services to establish separate categories of licensure for facilities providing private non-medical institutional services to MaineCare eligible individuals.
	V-4;V-5; V-7;V-24	To make changes to the sales tax and municipal revenue sharing to account for the establishment of a "Service Provider Tax."
	V-25	To enact a 5% tax, effective July 1, 2004, on the value of following services provided in this State: extended cable television services; fabrication services; video rentals; certain rentals of furniture and audio equipment; telecommunications services; installation, maintenance or repair of telecommunications equipment; and private non-medical institution services.
	V-26	To transfer \$105,000 between accounts to offset implementation costs associated with this Part.
	V-27	To authorize Department of Human Services to implement rules retroactively to July 1, 2003 to address the recovery of return on equity for private non-medical institutions.
	V-28	To adjust appropriations and allocations as a result of the implementation of the service provider tax imposed by this Part.
	V-29	To provide effective date and timing of returns and payments.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
W	W-1	To authorize the Department of Human Services to collect fees for researching its files for child protective records and providing child protective records to licensing agencies, employers, and other non-governmental persons. The department would establish the fee schedule by routine technical rule.
X	X-1	To authorize the Department of Human Services to increase the maximum license fee for certain eating and lodging facilities -- from \$40 to \$100 for schools; from \$10 to \$60 for inspections of eating establishment in municipalities authorized by the department to conduct such inspections; and from \$125 to \$150 for other licensed eating establishments.
	X-2	To require the Department of Human Services to issue a conditional license to a new applicant that does not meet the regulations. The current language requires the department to issue a conditional license to all applicants, even those that are renewing.
	X-3	To authorize the Department of Human Services to increase fines and penalties for operating without a license.
	X-4	To increase the fee from \$10 to \$60 for eating establishments in municipalities that do their own inspections.
	X-5	To make a technical correction.
	X-6	To direct the Department of Human Services to review municipalities that do their own inspections of eating and lodging facilities.
Y	Y-1:3	To authorize the Department of Human Services to adopt rules providing that infants and children under 19 years of age in families with income over 150% and up to 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program are eligible for Cub Care instead of Medicaid.
Z	Z-1:Z-5	To make changes to the mandatory reporting requirements for abuse and neglect, consistent with changes recommended by the U.S. Department of Health and Human Services, Administration for Families and Children. It would require the Department of Human Services to collect and investigate all reports regarding infants born affected by substance abuse or after prenatal exposure to drugs, and to provide services to the child and family which address that set of circumstances.
AA	AA-1	To expand the definition of a "mass outdoor gathering" for which a permit is required.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	AA-2:AA-3	To authorize the department to require an application with a fee prior to reviewing and issuing a permit to any mass outdoor gathering, changes application and bonding procedures and increases fees.
BB	BB-1:BB-2	To require the State Controller to transfer monthly an amount equivalent to benefits certified under the Maine Residents Property Tax Program from General Fund undedicated revenue within the individual income tax category to the Circuit Breaker reserve. The State Tax Assessor is required to pay benefit amounts to approved applicants. No interest on payments may be allowed. This section also proposed to eliminate funding to the Maine Residents Property Tax Program since it is being converted to an offset to the individual income tax line. In fiscal year 2004-05, the amount of the transfers are limited to the amounts that were appropriated in fiscal year 2004-05 for this program.
CC	CC-1:CC-2	To require that retail tobacco licenses be renewed annually, increase the fee and direct the revenue to the General Fund. Also proposed to repeal language requiring the transfer of dedicated funds from the Department of Human Services to the Judicial Department.
DD	DD-1	To authorize unencumbered balances of funds in the General Assistance program in the Department of Human Services to be carried forward each fiscal year to be used for the same purposes.
	DD-2	To amend the law to provide the Department of Human Services with access to information on real estate transfers for the purpose of determining financial eligibility for MaineCare services.
	DD-3	To authorize the State Controller to accept fiscal year 2002-03 balances returned by providers as General Fund unappropriated surplus in fiscal year 2004-05.
	DD-4	To authorize the Department of Human Services to establish minimum record keeping requirements for agencies administering Temporary Assistance for Needy Families programs.
	DD-5	To specify that \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapse to the General Fund in fiscal year 2003-04.
EE	EE-1	To amend the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
FF	FF-1	To require the Commissioner of Administrative and Financial Services to convene a working group to facilitate claims processing and reimbursement for medically necessary behavioral health services, including but not limited to, emergency and urgent care services. The working group would need to submit a report to legislative committees by January 15, 2005.
	FF-2	To deappropriate and deallocate funds associated with the mental health parity provisions.
GG	GG-1:GG-3	To amend the law to allow fees from Borrow Pits and Mining to be deposited in the Maine Environmental Protection Fund consistent with the merger of the Borrow Pit Account into the MEPF Fund as a sub-account in Part A of the bill.
HH	HH-1; HH-2; HH-5	To amend the definition of critical access hospital.
	HH-3	To amend the law to increase the tax on hospital net operating revenues to 2.23%
	HH-4	To amend the law to allow hospitals to pay any tax levied against them in two equal payments, one due in November of the state fiscal year and the other due in May.
	HH-6:HH-7	To establish contingency provisions for the hospital tax and hospital payments included in Part HH-8.
	HH-8	To allocate funds to increase MaineCare payments to hospitals in accordance with rules duly adopted by DHS.
	HH-9	To deappropriate funds to be replaced by dedicated revenue from the hospital tax.
II	II-1	To lapse \$600,000 of interest earnings savings in the Debt Service - Government Facilities Authority, General Fund account to the unappropriated surplus of the General Fund by June 30, 2005.
JJ	JJ-1:JJ-6	To change the rate structure for Maine alternative minimum tax from a flat rate (27%) applied to adjusted federal minimum tax to a graduated rate applied to Maine alternative minimum taxable income. The calculation would maintain the exemption amounts provided by the Internal Revenue Code effective as of December 31, 2002.
KK	KK-1:KK-3	To change the calculation of the interest rate on unpaid taxes as well as refunds to the prime interest rate plus 3 percentage points, rather than the current formula of the prime rate plus 2 percentage points. This change would be effective July 1, 2004.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
LL	LL-1	To place the ACE Service Center under the direct authority of the Department of Environmental Protection.
	LL-2	To amend the law to increase the transfer from the Maine Environmental Protection Fund in the Department of Environmental Protection to the General Fund by \$2,500 each year of the biennium.
	LL-3	To repeal the provision of law authorizing a transfer from the State Revolving Fund account in the Department of Environmental Protection to the General Fund.
	LL-4	To require that \$172,573 of the unencumbered balance forward in the Administrative Services Unit – ACE Cluster Other Special Revenue Funds account in the Department of Environmental Protection be transferred to the General Fund in fiscal year 2003-04.
	LL-5	To provide appropriations and allocations related to the reorganization of the ACE Service Center.
MM	MM-1:MM-2	To authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games and provides related allocations.
NN	NN-1	To amend the definition of personal care agency to include individuals who hire unlicensed assistance personnel for their own care when permitted by rule of the Department of Human Services.
OO	OO-1:OO-2	To direct the State Budget Officer to calculate savings as a result of increased efforts in pursuing federal and commercial reimbursement of state-funded programs, improved eligibility verification and procedures and other data integration improvements to state funded services. Deappropriates \$2,500,000 from the General Fund and allocates \$2,500,000 Other Special Revenue Funds to reflect those savings.
PP	PP-1	To require the State Controller to transfer \$1,043,460 from the Emergency Services Communications, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund by June 30, 2004.
QQ	QQ-1	To amend the law to allow the program to pay expenses of members of the Advisory Committee on Family Development Accounts who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	QQ-2:QQ-3	To amend the law to delete the sunset on the provision which allows an institution to apply a Maine State Grant to reduce institutional or other grant aid if the institution grants the institutional or grant aid to a student with demonstrated financial need.
RR	RR-1	To require the State Budget Officer to calculate the amount of savings in each General Fund account from information technology savings achieved by extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
	RR-2	To require that exceptions to the replacement schedule must be approved by the Chief Information Officer.
	RR-3	To deappropriate funds associated with savings achieved from extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
SS	SS-1	To authorize the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority.
	SS-2	To authorize the State Controller to transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
	SS-3	To require the transfer of the Transportation Building from the Bureau of General Services within the Department of Administrative and Financial Services to the Department of Transportation.
	SS-4	To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to determine the scope of services and responsibilities of each Department and to report to the Joint Standing Committees of the Legislature for Appropriations and Financial Affairs, Transportation, and State and Local Government by January 30, 2005 with respect to the management and oversight of the Transportation Building Property.
	SS-5	To direct the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to present any necessary budget adjustments related to the management and operation of the Transportation Building Property to the next regular session of the Legislature.
	SS-6	To authorize the State Controller to transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
TT	TT-1:TT-2	To increase the surcharge on every fine, forfeiture or penalty imposed by State courts and deposits the monies generated by that increase to the General Fund.
	TT-3:TT-7	To increase fines for suspensions related to operating under the influence offenses, operating after suspension and operating after revocation of license.
UU	UU-1	To amend the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after July 1, 2004.
	UU-2	To require the Department of Administration and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.
	UU-3	To require the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund, after retaining a reasonable amount of working capital.
	UU-4	To provide an appropriation of \$1,100,000 to distribute funds to the Maine Community College System as a result of the divestiture of the Retiree Health Insurance Fund.
VV	VV-1	To authorize the Department of Public Safety to establish two State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.
WW	WW-1:WW-5	To amend provisions of Maine Revised Statutes Title 26 to reflect that the Medicaid portion of the consumer-directed personal care assistance services are to be administered by the Department of Human Services and to specify the responsibilities of that Department and the Department of Labor.
	WW-6	To transfer funds from the Department of Labor's Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services in FY 2004-05.
XX	XX-1	To repeal a requirement for an annual report to the Appropriations Committee regarding positions vacant for more than 6 months.
YY	YY-1	To prohibit hospital-based physician practices that bill as "hospital services" provided to MaineCare patients from discontinuing acceptance of new MaineCare patients or limiting services to MaineCare patients in a way that differs from policies that apply to other patients funded from any other payment source.



## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
ZZ	ZZ-1	To add the Long Term Care Ombudsman Program and Legal Services for the Elderly to the agencies receiving federal Administration on Aging funds that may carry funds forward for the purposes of those programs.
AAA	AAA-1:AAA-3; AAA-5; AAA-6	To amend language related to sales tax registration certificates to provide enhanced enforcement of resale certificate eligibility for applications filed on or after July 1, 2004 or the effective date of this Act, whichever is later.
	AAA-4	To amend PL 2003, c. 20 as it relates to positions established in Maine Revenue Services removing the stipulation that they are limited period positions.
	AAA-7	To appropriate funds for tax enforcement initiatives.
BBB	BBB-1	To authorize payment to be made to those employees who were denied merit increases in fiscal year 2003-04.
	BBB-2	To authorize payment to be made to those Institutional Services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004.
	BBB-3	To provide \$250,000 to the Salary Plan for the step increases authorized in section 2 of this Part.
CCC	CCC-1	To provide for the calculation and transfer of statewide savings in the General Fund related to the cost of health insurance for fiscal year 2004-05.
	CCC-2	To deappropriate \$400,000 in FY05 as a result of health insurance savings.
DDD	DDD-1	To provide for the calculation and transfer of statewide savings in the General Fund in the cost of workers' compensation claims for fiscal year 2004-05.
	DDD-2	To deappropriate \$232,118 in FY04 and \$426,925 in FY05 as a result of savings in workers' compensation claims.
EEE	EEE-1	To provide for the calculation and transfer of statewide savings in the General Fund from projected savings in electricity costs for FY05.
	EEE-2	To deappropriate \$750,000 in FY05 as a result of projected savings in electricity costs.
FFF	FFF-1:FFF-2	To amend the required practices of pharmacy benefits managers by deleting authority to substitute lower-priced and therapeutically equivalent drugs and changing the procedures for substituting higher-priced substitute drugs and transferring payments received by the pharmacy benefits manager as a result of substitution of drugs.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	FFF-3	To amend the law to add a pharmacy's status as independent provider to the criteria for awarding incentive payments to pharmacies.
	FFF-4	To require the MaineCare Advisory Committee to establish a standing subcommittee to review the prior authorization process used in the MaineCare and Drugs for the Elderly benefit programs.
	FFF-5	To make appropriations and deappropriations as a result of the collection of settlement proceeds; increased administrative costs of stricter prior authorization and pharmacist support; review of pharmacy use in restrictive settings; stricter prior authorization criteria; implementing a voluntary pharmacy mail order program and making incentive payments to pharmacies to mitigate its impact; and the creation of a preferred drug list for the DEL program.
GGG	GGG-1:GGG-2	To establish Maine Ground fish Fund to support the ground fish industry to be administered by the Commissioner of Marine Resources.
HHH	HHH-1	To remove the Maine Community College System from the list of priority items that would receive funding from the unappropriated surplus of the General Fund at the end of fiscal year 2003-04 after all required deductions of appropriations, budgeted financial commitments and adjustments have been made and adds the Maine Microenterprise Initiative Fund within the Department of Economic and Community Development to the list of priority items.
	HHH-2	To move \$315,000 from the Maine Microenterprise Initiative Fund to Administration - Economic and Community Development to provide one-time funding to match the National Aeronautics and Space Administration's ESPCoR award to the Maine Space Grant Consortium.
III	III-1:III-2	To eliminate 31 positions as a result of the merger of the Department of Human Services and the Department of Behavioral and Developmental Services.
JJJ	JJJ-1:JJJ-5	To eliminate the Northern Androscoggin Division of the Eleventh District Court in Livermore Falls and transfer that jurisdiction to the Eighth District.
KKK	KKK-1:KKK-2	To transfer funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, c. 20, Part RR to the Maine Economic Improvement Fund program within the University of Maine System.
LLL	LLL-1:LLL-4	To add the Maine Endangered and Nongame Wildlife Fund in the Department of Inland Fisheries and Wildlife to the list of accounts that are not included in transfers of savings to the General Fund.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
MMM	MMM-1: MMM-4	To establish the MaineCare Basic program to deliver medically necessary health care services to adult members of the MaineCare program; to establish limits on certain benefits and services for adults; to establish savings targets for these benefits and services; to appropriate funds to administer the program; and to deappropriate funds to reflect reductions in estimated MaineCare spending as a result of the program.
NNN	NNN-1:NNN-3	To require the Attorney General to study discrimination against homeless individuals and report the results of the study and any necessary legislation to the Legislature by January 5, 2005.
OOO	OOO-1	To provide that the cap on reimbursement for certain mental health services may not be set lower than the amount necessary to achieve the savings identified in this Act.
	OOO-2	To require the establishment of an advisory working group to examine and make recommendations regarding methods of achieving savings in mental health costs.
PPP	PPP-1	To lapse \$2,400,000 in the Education in the Unorganized Territory General Fund account in the Department of Education to the General Fund in fiscal year 2003-04.
	PPP-2	To deappropriate \$63,989, due to one-time savings in the Professional Development program within the Department of Education in fiscal year 2003-04.
QQQ	QQQ-1:QQQ-2	To authorize the Executive Director of the Legislative Council to sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials and directs proceeds from the sale to the legislative account.
	QQQ-3	To appropriate funds to cover the expenses of 3 Maine commissioners to attend the annual conference of the Commission on Uniform State Laws and for a portion of the dues of that organization.
RRR	RRR-1:RRR-3	To increase the filing fee for registration statements for securities offered for sale from \$500 to \$1,000 effective July 1, 2004.
SSS	SSS-1:SSS-3	To require the Department of Behavioral and Developmental Services to adopt rules to require service providers to charge fees for certain services for children and families funded by grant programs from the department.
	SSS-4	To appropriate \$1,250,000 in fiscal year 2004-05 for the Mental Health Services -- Children program for room and board, flexibility funds and training to partially offset other decreases in funding.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
TTT	TTT-1:TTT-3	To make permanent the schedule of premiums for the Cub Care program that is scheduled to expire on July 1, 2004 and directs the Department of Human Services to evaluate premiums periodically.
	TTT-4	To make appropriations and allocations to reflect the changes in Cub Care premiums and to partially restore funding for adult transportation under the MaineCare program.
UUU	UUU-1	To require that the information shared by the Finance Authority of Maine to the Department of Human Services to be used to determine which Maine State Grant Program recipients are also eligible for TANF job preparation funds or to participate in the Parents as Scholars Program is confidential.
	UUU-2	To deappropriate funds in fiscal year 2004-05 only that will be paid from TANF block grant funds to provide preparation funds for Parents as Scholars participants.
VVV	VVV-1	To require the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners to report monthly to the legislative committees with jurisdiction over appropriations and financial affairs and criminal justice on the status of the state prisoner and probation population and the staffing necessary to provide adequate supervision.
WWW	WWW-1: WWW-37	To increase fees for various business entity filings with the Secretary of State.
XXX	XXX-1: XXX-10	To increase fees for various annual report filings with the Secretary of State.
YYY	YYY-1	To establish standards for determination of whether a business entity with a debt owed to the Department of Human Services is considered out of business.
ZZZ	ZZZ-1	To require the State Controller to transfer \$500,000 from the Office of Information Services Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
	ZZZ-2	To require the State Controller to transfer \$93,551 from the A & C Audit Recovery, Other Special Revenue Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
AAAA	AAAA-1	To establish one limited-period Senior Planner position in FY 2004-05 and FY 2005-06 funded with federal funds.

# JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
BBBB	BBBB-1: BBBB-2	To provide that a statement of intent for compensation would need to be filed by a former student of the Maine School for the Deaf or the Governor Baxter School for the Deaf and that an estate would not be eligible to submit a statement of intent. If a claimant were to die before compensation was paid, the compensation would be payable to the estate of the claimant.
	BBBB-3: BBBB-4	To create a process by which the Maine Enterprise Initiative Fund within the Department of Economic and Community Development and the Baxter Compensation Authority would receive funding, if there were sufficient unappropriated surplus remaining after all other required deductions and transfers at the close of fiscal year 2004-05.
CCCC	CCCC-1	To transfer \$104,357 from the Natural Disaster Business Assistance Fund in the Finance Authority of Maine to the General Fund as undedicated revenue no later than June 30, 2005.
	CCCC-2	To appropriate \$87,000 in fiscal year 2004-05 to Adult Education.
DDDD	DDDD-1	<p>To classify certain aspects of the State's group health plan for retired state employees as "solemn contractual commitments," under conditions set forth in this Part. The commitment would be made to state employees who were eligible for membership in the Maine State Retirement System, the Maine Legislative Retirement System or the State Police Retirement System and to employees of the Maine Turnpike Authority, the Maine Community College System and the Maine State Retirement System.</p> <p>To provide that the eligibility criteria for health plan coverage as a retiree or a family member of a retiree could not be more stringent than the criteria that existed at the time the employee became vested, which for most state employees is after 5 years of creditable service. It also proposed to provide that the State contribution percentage toward the premium cost for retirees may not be less than at the time the employee became vested. Finally, it proposed to provide that retirees would continue to be eligible to participate in the same group health plans as active employees, or substantially similar plans. The State Employee Health Commission would determine whether plans were substantially similar. In determining whether the plan offered to Medicare-eligible retirees would be substantially similar to that offered to active employees, the Commission would look at the combination of Medicare or successor federal plan benefits and benefits included in any supplemental plan provided by the State.</p>

# JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
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EEEE	EEEE-1	To clarify the intent of the use of the \$3,000,000 portion of the transportation bonds proceeds of Private and Special Law 2003, chapter 33. The Department of Public Safety would be required to award grants of \$3,000,000 to expand existing air-medical response system throughout the state, up to \$400,000 of these grants would need to be for the costs of acquisition of a mobile advance human patient simulator mannequin system.
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**House Amendment “Q” (H-932)** proposed to clarify that the committee amendment would not create a contractual commitment on the part of the State to offer group health plans at all or to continue to offer health insurance coverage for any type of benefit or to offer a specific level of benefit payment. However, the State could reduce coverage for retirees only if it made the same or substantially similar reductions for active employees. It also proposed to include employees of the Maine Maritime Academy in the list of vested employees eligible to receive health insurance as state retirees.

**House Amendment “T” (H-935)** proposed to correct a drafting error.

**House Amendment “V” (H-937)** proposed to deappropriate \$32,000 in fiscal year 2004-05 from the General Purpose Aid for Local Schools program within the Department of Education and appropriate one-time funding of \$32,000 in fiscal year 2004-05 for the Maine School of Science and Mathematics in Limestone.

**House Amendment “Z” (H-958)** proposed to strike the emergency preamble and emergency clause from Committee Amendment "A." It proposed to make the necessary adjustments to appropriations and allocations and language to reflect the delay in the effective date.

**House Amendment “AA” (H-964)** proposed to direct the Public Utilities Commission, when determining the level of financial assistance to be provided from the Maine Telecommunications Education Access Fund to qualified libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they could not meet conditions for receiving the federal funding without substantially compromising their standards or missions.

**House Amendment “BB” (H-965)** proposed to require the first payment to private nonmedical institutions, PNMIIs, authorized in Committee Amendment "A" to be made by August 1, 2004.

**Senate Amendment “A” (S-518)** proposed to make the following changes to the statutes governing the Office of Program Evaluation and Government Accountability, or OPEGA.

1. It proposed to authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees.
2. It proposed to remove language concerning the Department of Audit from the subsection that defines program evaluation and instead enact language under the duties of the committee to give the committee the discretion to request that the department conduct an examination or, if the department were unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of a qualified auditor.

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3. It proposed to clarify what information would be made available to the committee and to OPEGA.

4. It proposed to require the director and employees of OPEGA to be nonpartisan.

**Senate Amendment “P” to Committee Amendment “A” (S-543)** proposed to require the Treasurer of State to structure the June 2004 bond issues into semiannual payments for a period of not more than 9 years, rather than the recent practice of annual installments over 10 years. This amendment also proposed to appropriate one-time funding of \$6,000,000 to the Baxter Compensation Authority. This amendment also proposed to eliminate the transfer of funds to the Baxter Compensation Authority from the unappropriated surplus at the close of fiscal year 2004-05.

### *Enacted Law Summary:*

Public Law 2003, chapter 673 does the following, summarized below by part and section.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Part A makes appropriations and allocations of funds for various purposes.
B	B-1	Part B makes appropriations and allocations for approved reclassifications and range changes.
	B-2	Authorizes the use of the Salary Plan program for additional interest expense caused by delays in funding approved reclassifications and range changes.
C	C-1:C-4	Authorizes the Commissioner of the Department of Administrative and Financial Services to appoint an Associate Commissioner, Administrative Services as a major policy influencing position.
	C-5	Amends the provisions of PL 2003, c.20 to clarify the lease-purchase language for Central Fleet Management to be applicable for each year of the biennium.
	C-6:C-7	Authorizes the State Budget Officer to transfer savings resulting from the Retirement Incentive Program from General Fund and Other Special Revenue Fund accounts to the General Fund Salary Plan account and from Highway Fund accounts to the Highway Fund Salary Plan account.
	C-8	Authorizes the State Controller to recover, through the state cost allocation program, \$915,640 associated with prior year payments by the General Fund to the Maine State Retirement System.
	C-9	Authorizes the State Controller to recover, through the state cost allocation program, \$170,000 in fiscal year 2004-05 associated with homeland security grant programs awarded to the Department of Defense, Veterans and Emergency Management.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	C-10	Authorizes the Bureau of General Services to use \$111,856 no longer required for the Thomaston State Prison Demolition project, for the Hazardous Material Abatement and Removal and Demolition of the State Armory in Caribou.
D	D-1:D-9	Adopts pre-EGTRRA (Economic Growth and Tax Relief Reconciliation Act of 2001) federal law for the Maine estate tax for decedents dying after 2004. The bill does not address estates of decedents dying in 2010 when the federal estate tax is fully repealed (for that year only) along with the federal determination of the value of the estate, upon which Maine relies in its determination of the Maine estate tax.
E	E-1:E-3	Amends the minimum taxability threshold for nonresident taxpayers by reducing the number of days spent in Maine that triggers a nonresident income tax liability from 21 days to 11 days. The income threshold of \$6,000 is eliminated.
F	F-1:F-2	Disallows the use of Maine income tax credits against the Maine alternative minimum income tax for tax years beginning after 2003.
G	G-1:G-3	Establishes criteria to disqualify certain tax-motivated lease transactions from the high-technology investment tax credit beginning after 2003.
H	H-1	Lapses \$120,306 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal year 2004-05.
	H-2	Appropriates \$36,000 in fiscal year 2004-05 to partially offset a statewide All Other deappropriation.
	H-3	Appropriates \$84,306 in fiscal year 2004-05 to establish one limited-period Nutrient Management Coordinator position to direct and further develop the Nutrient Management Program.
I	I-1:I-2	Amends the law to allow the Commissioner of the Department of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center and establishes a non-lapsing dedicated account for store income and expenses.
J	J-1	Amends the law relating to the use of the Boating Facilities Fund in the Department of Conservation so that funds may be provided to state agencies.
	J-2	Transfers \$1,000,000 from the General Fund to the Shore and Harbor Management Fund to offset a transfer pursuant to PL 2003, c. 513, V-1.
	J-3	Authorizes the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2005.



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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	J-4	Authorizes the State Controller to transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Fund account to the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2005.
	J-5	Lapses \$193,241 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation to the unappropriated surplus of the General Fund in fiscal year 2004-05.
K	K-1:K-5	Provides that savings in health insurance costs related to hospital rate adjustments do not apply to fiscal year 2004-05 and makes the necessary offsets to statewide appropriations and allocations.
L	L-1	Authorizes the Department of Corrections to enter into a lease-purchase arrangement for the acquisition of energy-savings equipment.
M	M-1:M-9	Amends the laws related to the Department of Economic and Community Development to reorganize certain activities and to establish the Office of Innovation in the Department of Economic and Community Development and reallocates statutory provisions related to the State's science and technology plan and comprehensive research and development evaluation to that office. Also reallocates resources within the Department as part of a departmental reorganization.
N	N-1	Amends the statewide local share amount of the operating costs allocation for fiscal year 2004-05 for purposes of education funding.
	N-2	Establishes the maximum debt service limits for school construction for 2008 and 2009.
	N-3	Clarifies the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, Chapter 92, Part B.
	N-4:N-18	Specifies the General Purpose Aid for Local Schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
	N-19	Clarifies that the amounts available for distribution through General Purpose Aid for Local Schools includes \$5,050,000 of funds carried forward from fiscal year 2003-04.
	N-20	Appropriates an additional \$9,950,000 in fiscal year 2004-05 for General Purpose Aid for Local Schools in fiscal year 2004-05.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
O	O-1	Authorizes encumbered balances for automating the Department of Inland Fisheries and Wildlife's licensing, registration and permitting processes that will lapse at the end of fiscal year 2003-04 to be transferred from the Carrying Balance account to the License and Registration account within the department to be used for the same purposes in fiscal year 2004-05.
P	P-1	Amends the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.
	P-2	Authorizes the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.
Q	Q-1:Q-4	Repeals those provisions of law related to the Occupational Safety Loan Fund in the Department of Labor.
	Q-5	Amends the law to provide for transfers of payments of outstanding Occupational Safety Loan Fund loans from the Finance Authority of Maine to the Safety Education and Training Fund in the Department of Labor.
R	R-1	Increases the maximum borrowing capacity of the Maine Maritime Academy, from \$4,000,000 to \$10,000,000.
S	S-1:S-2	Moves the State Nuclear Safety Advisor position from the State Planning Office to the Office of the Public Advocate and makes related allocations.
T	T-1:T-2	Reenacts the Maine Computer Crimes Task Force retroactively to January 1, 2004.
U	U-1:U-2	Amends the law related to the Uniform Unclaimed Property Act to establish the definition of a store-value card and to mandate record keeping by sellers of store-value cards.
V	V-1:V-3;V-6	Authorizes the Department of Human Services and the Department of Behavioral and Developmental Services to establish separate categories of licensure for facilities providing private non-medical institutional services to MaineCare eligible individuals.
	V-4:V-5; V-7:V-24	Makes changes to the sales tax and municipal revenue sharing to account for the establishment of a "Service Provider Tax".
	V-25	Enacts a 5% tax, effective July 1, 2004, on the value of following services provided in this State: extended cable television services; fabrication services; video rentals; certain rentals of furniture and audio equipment; telecommunications services; installation, maintenance or repair of telecommunications equipment; and private non-medical institution services.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	V-26	Transfers \$105,000 between accounts to offset implementation costs associated with this Part.
	V-27	Authorizes the Department of Human Services to implement rules retroactively to July 1, 2003 to address the recovery of return on equity for private non-medical institutions.
	V-28	Adjusts appropriations and allocations as a result of the implementation of the service provider tax imposed by this Part.
	V-29	Establishes effective dates and the timing of returns and payments.
W	W-1	Authorizes the Department of Human Services to collect fees for researching its files for child protective records, and providing child protective records to licensing agencies, employers, and other non-governmental persons. The department will establish the fee schedule by routine technical rule.
X	X-1	Authorizes the Department of Human Services to increase the maximum license fee for certain eating and lodging facilities -- from \$40 to \$100 for schools; from \$10 to \$60 for inspections of eating establishment in municipalities authorized by the department to conduct such inspections; from \$125 to \$150 for other licensed eating establishments; and from \$20 to \$35 to cover the costs of each additional inspection.
	X-2	Requires the Department of Human Services to issue a conditional license to a new applicant that does not meet the regulations. The current language requires the department to issue a conditional license to all applicants, even those that are renewing.
	X-3	Authorizes the Department of Human Services to increase fines and penalties for operating without a license.
	X-4	Increases the fee from \$10 to \$60 for eating establishments in municipalities that do their own inspections.
	X-5	Makes a technical correction.
	X-6	Directs the Department of Human Services to review municipalities that do their own inspections of eating and lodging facilities.
Y	Y-1:Y-2	Authorizes the Department of Human Services to adopt rules providing that infants in families with income over 185% and children under 19 years of age in families with income over 150% and up to 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program are eligible to participate in Cub Care instead of Medicaid.
	Y-3	Delays for 3 months the effective date of MaineCare eligibility expansions authorized by the Dirigo Health legislation, PL 2003, c. 469.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
Z	Z-1:Z-5	Makes changes to the mandatory reporting requirements for abuse and neglect, consistent with changes recommended by the U.S. Department of Health and Human Services, Administration for Families and Children. It requires the Department of Human Services to collect and investigate all reports regarding infants born affected by substance abuse or after prenatal exposure to drugs, and to provide services to the child and family which address that set of circumstances.
AA	AA-1	Expands the time frame for an applicant to appeal a denial of a mass gathering permit.
	AA-2:AA-3	Authorizes the department to require an application with a fee prior to reviewing and issuing a permit to any mass outdoor gathering, changes application and bonding procedures and increases fees.
BB	BB-1:BB-4	Requires the State Controller to transfer monthly an amount equivalent to benefits certified under the Maine Residents Property Tax Program from General Fund undedicated revenue within the individual income tax category to the Circuit Breaker reserve. The State Tax Assessor is required to pay benefit amounts to approved applicants. No interest on payments may be allowed. Also eliminates funding to the Maine Residents Property Tax Program since it is being converted to an offset to the individual income tax line. In fiscal year 2004-05, the amount of the transfers is limited to the amounts that were appropriated in fiscal year 2004-05 for this program.
CC	CC-1:CC-2	Requires that retail tobacco licenses be renewed annually, increases the fee and directs the revenue to the General Fund. Repeals language requiring the transfer of dedicated funds from the Department of Human Services to the Judicial Department.
DD	DD-1	Authorizes unencumbered balances of funds in the General Assistance program in the Department of Human Services to be carried forward each fiscal year to be used for the same purposes.
	DD-2	Amends the law to provide the Department of Human Services with access to information on real estate transfers for the purpose of determining financial eligibility for MaineCare services.
	DD-3	Authorizes the State Controller to accept fiscal year 2002-03 balances of \$177,232 returned by providers as General Fund unappropriated surplus in fiscal year 2004-05.
	DD-4	Authorizes the Department of Human Services to establish minimum record keeping requirements for agencies administering Temporary Assistance for Needy Families programs.
	DD-5	Specifies that \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapses to the General Fund in fiscal year 2004-05.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
EE	EE-1	Amends the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004. (See LD 1673)
FF	FF-1	Requires the Commissioner of Administrative and Financial Services to convene a working group to facilitate claims processing and reimbursement for medically necessary behavioral health services, including but not limited to, emergency and urgent care services. The working group must submit a report to legislative committees by January 15, 2005.
	FF-2	Deappropriates and deallocates funds associated with the mental health parity provisions.
GG	GG-1:GG-3	Amends the law to allow fees from Borrow Pits and Mining to be deposited in the Maine Environmental Protection Fund (MEPF) consistent with the merger of the Borrow Pit Account into the MEPF Fund as a sub-account in Part A of the bill.
HH	HH-1:HH-2; HH-5	Amends the definition of critical access hospital.
	HH-3	Amends the law to increase the tax on hospital net operating revenues to 2.23%
	HH-4	Amends the law to allow hospitals to pay the tax levied against them in two equal payments, one due in November of the state fiscal year and the other due in May.
	HH-6:HH-7	Establishes contingency provisions for the hospital tax and hospital payments included in Part HH-8.
	HH-8	Allocates funds to increase MaineCare payments to hospitals in accordance with rules duly adopted by the Department of Human Services.
	HH-9	Deappropriates funds to be replaced by dedicated revenue from the hospital tax.
II	II-1	Lapses \$600,000 of interest earnings savings in the Debt Service - Government Facilities Authority, General Fund account to the unappropriated surplus of the General Fund by June 30, 2005.
JJ	JJ-1:JJ-6	Changes the rate structure for Maine alternative minimum tax from a flat rate (27%) applied to adjusted federal minimum tax to a graduated rate applied to Maine alternative minimum taxable income. The calculation maintains the exemption amounts provided by the Internal Revenue Code effective as of December 31, 2002.
KK	KK-1:KK-3	Changes the calculation of the interest rate on unpaid taxes as well as refunds to the prime interest rate plus 3 percentage points, rather than the current formula of the prime rate plus 2 percentage points. This change is effective July 1, 2004.
LL	LL-1	Places the ACE Service Center under the direct authority of the Department of Environmental Protection.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	LL-2	Amends the law to increase the transfer from the Maine Environmental Protection Fund in the Department of Environmental Protection to the General Fund by \$2,500 in fiscal year 2004-05.
	LL-3	Repeals the provision of law authorizing a transfer from the State Revolving Fund account in the Department of Environmental Protection to the General Fund.
	LL-4	Requires that \$172,573 of the unencumbered balance forward in the Administrative Services Unit – ACE Cluster Other Special Revenue Funds account in the Department of Environmental Protection be transferred to the General Fund in fiscal year 2004-05.
	LL-5	Provides appropriations and allocations related to the reorganization of the ACE Service Center.
MM	MM-1:MM-2	Authorizes the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games and provides related allocations. (See LD 1536).
NN	NN-1	Amends the definition of personal care agency to include individuals who hire unlicensed assistance personnel for their own care when permitted by rule of the Department of Human Services.
OO	OO-1:OO-2	Directs the State Budget Officer to calculate savings as a result of increased efforts in pursuing federal and commercial reimbursement of state-funded programs, improved eligibility verification and procedures and other data integration improvements to state funded services. Deappropriates \$2,500,000 from the General Fund and allocates \$2,500,000 Other Special Revenue Funds to reflect those savings and increased reimbursement from federal and commercial sources.
PP	PP-1	Requires the State Controller to transfer \$1,043,460 from the Emergency Services Communications, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund by June 30, 2005.
QQ	QQ-1	Amends the law to allow the program to pay expenses of members of the Advisory Committee on Family Development Accounts who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.
	QQ-2:QQ-3	Amends the law to delete the sunset on the provision which allows an institution to apply a Maine State Grant to reduce institutional or other grant aid if the institution grants the institutional or grant aid to a student with demonstrated financial need.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
RR	RR-1	Requires the State Budget Officer to calculate the amount of savings in each General Fund account from information technology savings achieved by extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
	RR-2	Requires that exceptions to the replacement schedule must be approved by the Chief Information Officer.
	RR-3	Deappropriates \$500,000 in fiscal year 2004-05 associated with savings achieved from extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
SS	SS-1	Authorizes the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority for \$5,000,000.
	SS-2	Authorizes the State Controller to transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
	SS-3	Requires the transfer of the Transportation Building from the Bureau of General Services within the Department of Administrative and Financial Services to the Department of Transportation.
	SS-4	Directs the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to determine the scope of services and responsibilities of each Department and to report to the Joint Standing Committees of the Legislature for Appropriations and Financial Affairs, Transportation, and State and Local Government by January 30, 2005 with respect to the management and oversight of the Transportation Building Property.
	SS-5	Directs the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to present any necessary budget adjustments related to the management and operation of the Transportation Building Property to the next regular session of the Legislature.
	SS-6	Authorizes the State Controller to transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
TT	TT-1:TT-2	Increases the surcharge on every fine, forfeiture or penalty imposed by State courts and deposits the monies generated by that increase to the General Fund.
	TT-3:TT-7	Increases fines for suspensions related to operating under the influence offenses, operating after suspension and operating after revocation of license.
UU	UU-1	Amends the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after August 1, 2004.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	UU-2	Requires the Department of Administration and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.
	UU-3	Requires the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund in fiscal year 2004-05, after retaining a reasonable amount of working capital.
	UU-4	Provides an appropriation of \$1,100,000 to distribute funds to the Maine Community College System as a result of the divestiture of the Retiree Health Insurance Fund.
VV	VV-1	Authorizes the Department of Public Safety to establish two State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.
WW	WW-1: WW-5	Amends provisions of Maine Revised Statutes Title 26 to reflect that the Medicaid portion of the consumer-directed personal care assistance services are to be administered by the Department of Human Services and to specify the responsibilities of that Department and the Department of Labor.
	WW-6	Transfers funds from the Department of Labor's Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services in FY 2004-05.
XX	XX-1	Repeals a requirement for an annual report to the Appropriations Committee regarding positions vacant for more than 6 months.
YY	YY-1	Prohibits hospital-based physician practices that bill as "hospital services" provided to MaineCare patients from discontinuing acceptance of new MaineCare patients or limiting services to MaineCare patients in a way that differs from policies that apply to other patients funded from any other payment source.
ZZ	ZZ-1	Adds the Long Term Care Ombudsman Program and Legal Services for the Elderly to the agencies receiving federal Administration on Aging funds that may carry funds forward for the purposes of those programs.
AAA	AAA-1: AAA-3; AAA 5:6	Amends language related to sales tax registration certificates to provide enhanced enforcement of resale certificate eligibility for applications filed on or after July 1, 2004 or the effective date of this Act, whichever is later.
	AAA-4	Amends PL 2003, c. 20 as it relates to positions established in Maine Revenue Services removing the stipulation that they are limited period positions.
	AAA-7	Appropriates funds for tax enforcement initiatives.
BBB	BBB-1	Authorizes payment to be made to those employees who were denied merit increases in fiscal year 2003-04.



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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	BBB-2	Authorizes payment to be made to those Institutional Services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004.
	BBB-3	Provides \$250,000 to the Salary Plan for the step increases authorized in section 2 of this Part.
CCC	CCC-1	Provides for the calculation and transfer of statewide savings in the General Fund related to the cost of health insurance for fiscal year 2004-05.
	CCC-2	Deappropriates \$400,000 in fiscal year 2004-05 as a result of health insurance savings.
DDD	DDD-1	Provides for the calculation and transfer of statewide savings in the General Fund in the cost of workers' compensation claims for fiscal year 2004-05.
	DDD-2	Deappropriates \$426,925 in fiscal year 2004-05 as a result of savings in workers' compensation claims.
EEE	EEE-1	Provides for the calculation and transfer of statewide savings in the General Fund from projected savings in electricity costs for fiscal year 2004-05.
	EEE-2	Deappropriates \$750,000 in fiscal year 2004-05 as a result of projected savings in electricity costs.
FFF	FFF-1:FFF-2	Amends the required practices of pharmacy benefits managers by deleting authority to substitute lower-priced and therapeutically equivalent drugs and changing the procedures for substituting higher-priced substitute drugs and transferring payments received by the pharmacy benefits manager as a result of substitution of drugs.
	FFF-3	Amends the law to add a pharmacy's status as independent provider to the criteria for awarding incentive payments to pharmacies.
	FFF-4	Requires the MaineCare Advisory Committee to establish a standing subcommittee to review the prior authorization process used in the MaineCare and Drugs for the Elderly benefit programs.
	FFF-5	Makes appropriations and deappropriations as a result of the collection of settlement proceeds; increased administrative costs of stricter prior authorization and pharmacist support; review of pharmacy use in restrictive settings; stricter prior authorization criteria; implementing a voluntary pharmacy mail order program and making incentive payments to pharmacies to mitigate its impact; and the creation of a preferred drug list for the DEL program.
GGG	GGG-1: GGG-2	Establishes Maine Ground fish Fund to support the ground fish industry to be administered by the Commissioner of Marine Resources.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
HHH	HHH-1	Moves \$315,000 from the Maine Microenterprise Initiative Fund to the Administration - Economic and Community Development program in fiscal year 2004-05 to provide one-time funding to match the National Aeronautics and Space Administration's EPSCoR award to the Maine Space Grant Consortium. (See LD 167).
III	III-1:III-2	Eliminates 31 positions as a result of the merger of the Department of Human Services and the Department of Behavioral and Developmental Services.
JJJ	JJJ-1:JJJ-5	Eliminates the Northern Androscoggin Division of the Eleventh District Court in Livermore Falls and transfers that jurisdiction to the Eighth District.
KKK	KKK-1	Transfers funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, c. 20, Part RR to the Maine Economic Improvement Fund program within the University of Maine System.
LLL	LLL-1:LLL-4	Adds the Maine Endangered and Nongame Wildlife Fund in the Department of Inland Fisheries and Wildlife to the list of accounts that are not included in transfers of savings to the General Fund in fiscal year 2004-05 and transfers \$30,536 in fiscal year 2004-05 from the General Fund to the Maine Endangered and Nongame Wildlife Fund to reverse the transfer that occurred in fiscal year 2003-04.
MMM	MMM-1: MMM-4	Establishes the MaineCare Basic program to deliver medically necessary health care services to adult members of the MaineCare program; establishes limits on certain benefits and services for adults; establishes savings targets for these benefits and services; appropriates funds to administer the program; and deappropriates funds to reflect reductions in estimated MaineCare spending as a result of the program.
NNN	NNN-1: NNN-3	Requires the Attorney General to study discrimination against homeless individuals and report the results of the study and any necessary legislation to the Legislature by January 5, 2005.
OOO	OOO-1	Provides that the cap on reimbursement for certain mental health services may not be set below the median rate necessary to achieve the savings identified in this Act.
	OOO-2	Requires the establishment of an advisory working group to examine and make recommendations regarding methods of achieving savings in mental health costs.
PPP	PPP-1	Lapses \$2,400,000 in the Education in the Unorganized Territory General Fund account in the Department of Education to the General Fund in fiscal year 2004-05.
QQQ	QQQ-1: QQQ-2	Authorizes the Executive Director of the Legislative Council to sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials and directs proceeds from the sale to the legislative account.

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<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	QQQ-3	Appropriates funds to cover the expenses of 3 Maine commissioners to attend the annual conference of the Commission on Uniform State Laws and for a portion of the dues of that organization.
RRR	RRR-1: RRR-3	Increases the filing fee for registration statements for securities offered for sale from \$500 to \$1,000 effective August 1, 2004.
SSS	SSS-1:SSS-3	Requires the Department of Behavioral and Developmental Services to adopt rules to require service providers to charge fees for certain services for children and families funded by grant programs from the department.
	SSS-4	Appropriates \$1,250,000 in fiscal year 2004-05 for the Mental Health Services -- Children program for room and board, flexibility funds and training to partially offset other decreases in funding.
TTT	TTT-1:TTT-3	Repeals recently enacted changes, restores the schedule of premiums for the Cub Care program that is scheduled to expire on July 1, 2004 and directs the Department of Human Services to evaluate premiums periodically.
	TTT-4	Makes appropriations and allocations to reflect the changes in Cub Care premiums and to partially restore funding for adult transportation under the MaineCare program.
UUU	UUU-1	Requires that the information shared by the Finance Authority of Maine to the Department of Human Services to be used to determine which Maine State Grant Program recipients are also eligible for TANF job preparation funds or to participate in the Parents as Scholars Program is confidential.
	UUU-2	Deappropriates \$183,250 in fiscal year 2004-05 only that will be paid from TANF block grant funds to provide preparation funds for Parents as Scholars participants.
VVV	VVV-1	Requires the Department of Corrections to report monthly to the legislative committees with jurisdiction over appropriations and financial affairs and criminal justice on the status of the state prisoner and probation population and the staffing necessary to provide adequate supervision.
WWW	WWW-1: WWW-37	Increases fees for various business entity filings with the Secretary of State.
XXX	XXX-1: XXX10	Increases fees for various annual report filings with the Secretary of State.
YYY	YYY-1	Establishes standards for determination of whether a business entity with a debt owed to the Department of Human Services is considered out of business.
ZZZ	ZZZ-1	Requires State Controller to transfer \$500,000 from the Office of Information Services Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<b><u>PART</u></b>	<b><u>SECTION</u></b>	<b><u>DESCRIPTION</u></b>
	ZZZ-2	Requires State Controller to transfer \$93,551 from the A & C Audit Recovery, Other Special Revenue Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
AAAA	AAAA-1	Establishes one limited-period Senior Planner position at the Atlantic Salmon Commission in FY 2004-05 and FY 2005-06 funded with federal funds.
BBBB	BBBB-1: BBBB-2	Provides that a statement of intent for compensation must be filed by a former student of the Maine School for the Deaf or the Governor Baxter School for the Deaf and that an estate is not eligible to submit a statement of intent. If a claimant dies before compensation is paid, the compensation is payable to the estate of the claimant.
	BBBB-3: BBBB-4	Creates a process by which the Maine Microenterprise Initiative Fund within the Department of Economic and Community Development would receive funding, if there is sufficient unappropriated surplus remaining after all other required deductions and transfers at the close of fiscal year 2004-05.
CCCC	CCCC-1	Transfers \$104,357 from the Natural Disaster Business Assistance Fund in the Finance Authority of Maine to the General Fund as undedicated revenue no later than June 30, 2005.
	CCCC-2	Appropriates \$87,000 in fiscal year 2004-05 to Adult Education. (See LD 194).
DDDD	DDDD-1	Classifies certain aspects of the State's group health plan for retired state employees as "solemn contractual commitments," under conditions set forth in this Part. The commitment is made to state employees who are eligible for membership in the Maine State Retirement System, the Maine Legislative Retirement System or the State Police Retirement System and to employees of the Maine Turnpike Authority, the Maine Community College System and the Maine State Retirement System.
	DDDD-1	This Part provides that the eligibility criteria for health plan coverage as a retiree or a family member of a retiree may not be more stringent than the criteria that existed at the time the employee became vested, which for most state employees is after 5 years of creditable service. It also provides that the State contribution percentage toward the premium cost for retirees may not be less than at the time the employee became vested. Finally, it provides that retirees will continue to be eligible to participate in the same group health plans as active employees, or substantially similar plans. The State Employee Health Commission will determine whether plans are substantially similar. In determining whether the plan offered to Medicare-eligible retirees is substantially similar to that offered to active employees, the Commission will look at the combination of Medicare or successor federal plan benefits and benefits included in any supplemental plan provided by the State.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
EEEE	EEEE-1	Clarifies the intent of the use of the \$3,000,000 portion of the transportation bonds proceeds of Private and Special Law 2003, chapter 33. The Department of Public Safety is required to award grants of \$3,000,000 to expand existing air-medical response system throughout the state, up to \$400,000 of these grants must be for the costs of acquisition of a mobile advance human patient simulator mannequin system.
FFFF	FFFF-1	Appropriates \$32,000 in fiscal year 2004-05 to the Magnet Schools program and deappropriates the same amount from General Purpose Aid for Local Schools.
GGGG	GGGG-1: GGGG-9	Amends the statutes governing the Office of Program Evaluation and Government Accountability (OPEGA) to authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees. It also removes language concerning the Department of Audit that defines program evaluation and instead enacts language that gives the committee the discretion to request the department to conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of an auditor. It also clarifies the status of information provided to OPEGA and requires the director and the employees of OPEGA to be nonpartisan.
HHHH	HHHH-1	Requires the Treasurer of State to structure the June 2004 bond issue to be paid in semiannual installments of principal and interest over a period of no more than 9 years with the first annual installment due on or after January 1, 2005.
	HHHH-2	Recognizes the General Fund and Highway Fund debt service savings from the restructuring of the June 2004 bond issue and appropriates \$6,000,000 in fiscal year 2004-05 to the Baxter Compensation Authority. (See LD 1682)
III	III-1	Directs the Public Utilities Commission, when determining the level of financial assistance to be provided from the Maine Telecommunications Education Access Fund to qualifying libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they could not meet conditions for receiving the federal funding without substantially compromising their standards or missions.

LD 1928

**An Act To Authorize a General Fund Bond Issue in the Amount of \$4,822,368 To Provide Funds To Repair and Upgrade Maine Army National Guard Armories and Facilities and for the Challenger Learning Center of Maine**

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