

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Appropriations and Financial Affairs*

*August 2005*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

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

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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with a state agency and department.

**OOOO** Reduces allocation for Lottery Operations to reflect the overbudgeting of information technology expenses.

**PPPP** Authorizes the issuance of \$410,000,138 in bonds through the Maine Municipal Bond Bank to fund prepayment to the Maine State Retirement System of a portion of the Unfunded Actuarial Liability. The bonds are secured by a stream of dedicated revenues and do not pledge the credit of the state. The bond proceeds replaced General Fund appropriations for Teachers Retirement during the 2006-2007 biennium and along with an additional transfer from General Fund unappropriated surplus provided additional payments for future retirement liabilities. It also transfers \$66,656,703 to the Maine Budget Stabilization Fund in fiscal year 2006-07.

**QQQQ** Authorizes school administrative units or private schools approved for tuition purposes to receive targeted funds for students in the unorganized territory and appropriates funds to the Department of Education for the additional cost of providing targeted funds to students in the unorganized territory.

**LD 508**

**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 Year Ending June 30, 2005**

**PUBLIC 3  
EMERGENCY**

<u>Sponsor(s)</u> BRANNIGAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-23
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LD 508 was the Governor’s proposed Fiscal Year 2004-05 Emergency Supplemental Budget Bill.

**Committee Amendment “A” (H-23)** was the unanimous report of the committee in response to the Governor’s proposed bill.

*Enacted law summary*

Public Law 2005, chapter 3 does the following:

<u>Part</u>	<u>Description</u>
<b>A</b>	Authorizes appropriations and allocations of funds.
<b>B</b>	Authorizes appropriations and allocations of funds for approved reclassifications and range changes.
<b>C</b>	Amends the law to increase the maximum limit on transfers to the circuit breaker reserve from \$24,742,857 to \$26,777,647 in fiscal year 2004-05.
	Lapses balances in the Health Reform Reserve Fund account and the General Fund Compensation and Benefit Plan account to the General Fund in fiscal year 2004-05.

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Requires the State Budget Officer to calculate and transfer the amount of allocation to affected departments as an offset to previous statewide measures enacted in PL 2003, chapter 20, Part B.

Requires the State Controller to transfer excess equity of the Retiree Health Insurance Fund not previously identified for transfer to the appropriate funds. The additional General Fund share and a portion of the Highway Fund share are designated for transfer to the General Fund and Highway Fund Compensation and Benefit Plan accounts.

Authorizes the Department of Administrative and Financial Services, Office of the Chief Information Officer to enter into financing arrangements in fiscal years 2004-05, 2005-06 and 2006-07 for the acquisition of a statewide accounting and purchasing system.

- D** Transfers up to \$8,122,000 from the unappropriated surplus of the General Fund to the Baxter Compensation Authority at the close of fiscal year 2004-05 as the next priority after certain other statutory year-end transfers. These funds can only be expended for claims of former students.
- E** Lapses \$315,000 of the unencumbered balance forward in fiscal year 2003-04 in the Maine Micro-Enterprise Initiative Fund account in the Department of Economic and Community Development to the General Fund in fiscal year 2004-05.
- F** Requires the State Controller to transfer \$2,258,474 from the General Purpose Aid for Local Schools account to the unappropriated surplus of the General Fund on or before June 30, 2005.
- G** Authorizes the State Controller to advance \$108,000 from the General Fund unappropriated surplus to the Maine National Guard Education Assistance Pilot Program, Other Special Revenue Fund account within the Department of Defense, Veterans and Emergency Management to provide cash necessary for current expenditures of the tuition assistance program, and specifies that the funds must be returned to the General Fund unappropriated surplus on or before June 30, 2006.
- Authorizes the Department of Administrative and Financial Services to acquire up to ten buildings, appurtenant real estate, and other interests in real property at the Loring Air Force Base in Limestone, Maine from the Loring Development Authority, and identifies responsibility for oversight and management of the facilities.
- Authorizes the Department of Defense, Veterans and Emergency Management to expend \$337,949 of the unencumbered balance in the state matching Disaster Assistance – MEMA account to administer current disaster FEMA-1508-DR.
- H** Lapses unencumbered balances in the Child Welfare Services General Fund account and the Disproportionate Share - Bangor Mental Health institute account to the General Fund in fiscal year 2004-05.
- I** Eliminates the intergovernmental transfer of funds from the City of Portland to the State in fiscal year 2004-05.
- J** Authorizes the Office of the Public Advocate to expend 100% of any funds carried forward from fiscal year 2004-05 and 2005-06 for its intended purpose.
- K** Transfers \$100,000 from the Carrying Balances – IF&W General Fund account to the Licensing and

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Registration General Fund account in the Department of Inland Fisheries and Wildlife. Also, transfers \$248,501 from the unappropriated surplus of the General Fund to the Savings Fund General Fund account in the Department of Inland Fisheries and Wildlife.

- L** Authorizes the State Controller to engage through sole source contracts such auditors, accountants, and investigators as the State Controller deems necessary for special audits, internal financial audits and investigations, to monitor and ensure adherence to contracts and to ensure for proper financial controls and clarifies that nothing in this section shall be construed to limit the powers and duties conferred and imposed by law upon the State Auditor.
- M** Maintains current Medicaid eligibility income criteria for disabled persons at or below 100% of the poverty line, which stops a scheduled increase in income eligibility to 125% of the poverty line.
- N** Increases the budgeted lapsed balance to the General Fund in fiscal year 2004-05 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation by \$88,810.
- O** Amends the title of the Director, Grants Management to Deputy Commissioner in the Department of Labor.
- P** Requires the State Controller to transfer \$23,753,882 from the unappropriated surplus of the General Fund in fiscal year 2004-05 to offset future funding needs that includes \$16,353,882 to address a portion of the cost of the additional circuit breaker benefits enacted in PL 2005, c. 2 (LD 1); \$5,000,000 for future collective bargaining costs; and \$2,400,000 for the Maine Clean Elections Fund. \$2,400,000 of the amounts set aside in fiscal year 2004-05 must be transferred to the Maine Clean Election Fund on or before January 1, 2006. The State Controller is authorized to transfer up to \$5,000,000 from the reserve account to the General Fund salary plan upon ratification of a collective bargaining agreement. The remaining amount in the reserve is transferred back to the General Fund unappropriated surplus by the end of fiscal year 2005-06 to offset the General Fund revenue reduction associated with PL 2005, c. 2.
- Q** Requires the State Controller to transfer \$392,206 from the unappropriated surplus of the General Fund to the Help America Vote Act 2002 account within the Department of Secretary of State and provides an Other Special Revenue Funds allocation and a Federal Expenditures Fund allocation for fiscal year 2004-05.
- R** Authorizes appropriations and allocations of funds for the Department of Agriculture, Food and Rural Resources for the Maine's Senior Farm Share program and for a forklift.
- S** Requires the State Controller to transfer funds from the General Fund unappropriated surplus to several Other Special Revenue Funds programs within the Department of Inland Fisheries and Wildlife.
- T** Requires the State Controller to transfer \$750,000 from the unappropriated surplus of the General Fund to the newly established Callahan Mine Site Restoration program within the Department of Transportation and provides an Other Special Revenue Funds allocation of the same amount for fiscal year 2004-05.

Public Law 2005, chapter 3 was enacted as an emergency measure effective March 11, 2005.