

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

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

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Appropriations and Financial Affairs

LD 215

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, 2007

**PUBLIC 1
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER ROTUNDO	OTP-AM	H-3

LD 215 is the Governor's proposed Fiscal Year 2006-07 Emergency Supplemental Budget Bill.

Committee Amendment "A" (H-3)

Committee Amendment "A" (H-3) is the unanimous report of the Committee in response to the Governor's proposed bill.

Enacted Law Summary

Public Law 2007, chapter 1 does the following:

PART A makes supplemental appropriations and allocations of funds for fiscal year 2006-07.

PART B makes supplemental appropriations and allocations of funds for approved reclassifications and range changes.

PART C does the following.

1. It lapses \$147,344 of the unencumbered balance in the Disproportionate Share - Riverview Psychiatric Center General Fund account in the Department of Health and Human Services to the General Fund in fiscal year 2006-07.
2. It lapses \$717,693 of the unencumbered balance in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account in the Department of Health and Human Services to the General Fund in fiscal year 2006-07.

PART D does the following.

1. It removes the Director of Special Projects and External Affairs from the list of major policy-influencing positions within the Department of Education and eliminates a reference to the position. This position was eliminated in Public Law 2003, chapter 20, Part B as part of the reorganization of the department.
2. It removes the Assistant to the Commissioner position from the list of major policy-influencing positions within the Department of Labor and eliminates a reference to the position. This position was exchanged administratively for a classified Public Service Coordinator I position in fiscal year 2005-06.

PART E removes the Assistant to the Commissioner position from the list of major policy-influencing positions within the Department of Marine Resources. This position was eliminated in Public Law 2005, chapter 519, Part JJ.

PART F removes the Executive Director, Maine Outdoor Heritage Fund Board from salary range 80 in the statutes. This position was eliminated pursuant to Public Law 2005, chapter 519, Part JJ, section 1.

PART G does the following.

1. It transfers \$58,000 from the Carrying Account as established by the Maine Revised Statutes, Title 12, section

Joint Standing Committee on Appropriations and Financial Affairs

10202, subsection 5 in the Department of Inland Fisheries and Wildlife to the Licensing Services - Inland Fisheries and Wildlife General Fund account to fund the final vendor payment for the MOSES program by June 30, 2007.

2. It transfers \$75,600 from the Carrying Account as established by the Maine Revised Statutes, Title 12, section 10202, subsection 5 in the Department of Inland Fisheries and Wildlife to the Enforcement Operations - Inland Fisheries and Wildlife General Fund account on or before June 30, 2007 to fund training reimbursement costs for the Maine Warden Service.

PART H renames several programs of the Department of Health and Human Services.

PART I does the following.

1. It allows remaining All Other balances in the Food Stamps Administration program of the Department of Health and Human Services to carry forward.

2. It requires remaining All Other balances in the Medical Care Services, General Fund account to carry from June 30, 2007 to June 30, 2008 to be used for the same purposes.

PART J does the following.

1. It requires the State Controller to transfer \$331,264 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Bureau of Child and Family Services - Central, Federal Expenditures Fund account within the Department of Health and Human Services to settle indirect cost allocation settlements.

2. It requires the State Controller to transfer \$374,386 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Purchased Social Services, Federal Expenditures Fund account within the Department of Health and Human Services to settle federal audit findings related to the 2003 Victims of Crimes grant.

3. It requires the State Controller to transfer \$619,000 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Office of Management and Budget, Federal Expenditures Fund account within the Department of Health and Human Services for indirect cost allocation settlements.

4. It requires the State Controller to transfer \$5,020 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Office of Management and Budget, Federal Expenditures Fund account within the Department of Health and Human Services for federal grant overdraws.

5. It requires the State Controller to transfer \$5,606,160 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Office of Management and Budget Operations - Regional, Federal Expenditures Fund account within the Department of Health and Human Services for indirect cost allocation settlements.

6. It requires the State Controller to transfer \$3,117,000 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Foster Care, Federal Expenditures Fund account within the Department of Health and Human Services for federal audit settlements.

PART K authorizes the transfer of certain Personal Services salary savings balances in the Dorothea Dix Psychiatric Center and Riverview Psychiatric Center accounts to All Other upon recommendation of the State Budget Officer and approval of the Governor.

PART L authorizes the transfer of up to \$82,000,000 from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers, General Fund account. Any amounts transferred are to be considered adjustments to appropriations in fiscal year 2007-08 and may be allotted by financial order. This Part also requires the Department of Health and Human Services to provide weekly reports to the Joint Standing Committee on

Joint Standing Committee on Appropriations and Financial Affairs

Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services describing the status of interim payment collections and expenditures in MaineCare seed accounts.

PART M repeals provisions enacted in PL 2005, chapter 519, Part AA governing the distribution of a deallocation from the Fund for a Healthy Maine. This language is no longer required as the deallocation is proposed to be offset in Part A.

PART N authorizes that any fiscal year 2006-07 All Other unencumbered balances in the Management Information Systems program, General Fund account may be carried forward to the Learning Through Technology program to be carried forward to fiscal year 2007-08 and fiscal year 2008-09 to be used for distance learning and technology maintenance and support services.

PART O delays education attainment credits.

PART P removes the provision requiring that the budget document contain a part that lists and describes each tax expenditure and revenue loss. This Part also refines the definition of "tax expenditures" for purposes of the budget document.

PART Q authorizes the transfer of an additional \$1,000,000 by June 30, 2007 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

PART R authorizes the one-time transfer by the State Controller of \$500,000 in General Fund undedicated revenue to the Office of Information Services Internal Service Fund, retroactively to July 1, 2005, as partial funding towards the development and implementation of the AdvantageME System.

PART S removes the Director, Office of Agricultural, Natural and Rural Resources position from the list of major policy-influencing positions within the Department of Agriculture, Food and Rural Resources. This position was eliminated pursuant to Public Law 2005, chapter 457, Part D.

PART T changes where the fees collected from reservations by the Department of Conservation will be deposited from the General Fund to the Parks Reservations Other Special Revenue Funds account. This change will allow for the proper accounting of providing Internet reservation services. The net collections will then be transferred as undedicated revenue to the General Fund.

PART U authorizes the State Treasurer to use available salary savings in fiscal year 2006-07 to fund the reorganization of several positions within the Administration - Treasury program General Fund account.

PART V authorizes the establishment of an earned revenue account within the Department of Health and Human Services.

PART W extends the acting capacity appointment of the Acting Commissioner of Professional and Financial Regulation by 6 months beyond the current scheduled end date for the appointment.

PART X amends the law regarding determination of the Dirigo Health savings offset payment to change the date for the Board of Directors of Dirigo Health determination of aggregate measurable cost savings from April to August of each year and to require the savings offset payment to be determined by January 1st. The changes apply to the savings offset payment for plan years beginning on or after July 1, 2008.

PART Y directs the Department of Health and Human Services to adopt routine technical rules to increase fees in the Office of Substance Abuse Driver Education and Evaluation Program.

Public Law 2007, chapter 1 was enacted as an emergency measure effective February 13, 2007.