

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

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

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

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recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Enacted Law Summary

Private and Special Law 2007, chapter 43 requires the Governor's Office of Health Policy and Finance to coordinate with the Department of Health and Human Services, other state agencies and representatives of state employees, health care providers and federally qualified health centers to identify opportunities to provide prescription drugs through Section 340B. It directs the Department of Health and Human Services to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Private and Special Law 2007, chapter 43 was enacted as an emergency measure effective April 16, 2008.

LD 2289 An Act Making 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, 2008 and June 30, 2009

PUBLIC 539

Sponsor(s)

FISCHER

Committee Report

Amendments Adopted

LD 2289 was introduced in the House without reference to a committee. It incorporated all of Committee Amendment "A" to LD 2173 (H-806) plus House Amendment "P" to Committee Amendment "A" (H-840) and Senate Amendment "S" to Committee Amendment "A" (S-519).

Enacted Law Summary

Public Law 2007, chapter 539 achieves a net savings to the General Fund of \$190,775,079 and a net cost to the Fund for a Healthy Maine of \$2,265,450

PART A makes appropriations and allocations of funds for the 2008-2009 biennium.

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

PART C relates to the funding of K-12 education.

PART D makes appropriations and allocations of funds for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART E contains implementing language for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART F increases fees related to food inspection and licensing by the Department of Health and Human Services and directs the departments involved in the process to eliminate any duplication of their jurisdictions.

PART G provides dedicated funding for the Harness Racing Commission from revenues collected by the commission, the state share of the handle and a portion of slot machine income.

PART H requires transfers from the Accident, Sickness and Health Insurance Internal Service Fund, and health insurance excess equity reserve funds to the General Fund.

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PART I relates to the operations of the Statewide Radio and Network System Reserve Fund and the acquisition of a statewide enterprise system.

PART J requires transfers from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds.

PART K authorizes the transfer of funds from the Department of Inland Fisheries and Wildlife carrying account and to develop a plan to ensure the continuation of the "Maine Fish and Wildlife Magazine" as a self-supporting publication.

PART L authorizes transfers from the General Fund to the Maine Clean Election Fund in fiscal year 2007-08 and fiscal year 2009-10 and reduces the amount of the initial payments in the 2008 and 2009 general election.

PART M requires lottery winnings to be offset against Maine liquidated tax debts.

PART N repeals certain powers and duties of the Commissioner of Health and Human Services and provides a transition and planning process for the privatization of the Elizabeth Levinson Center.

PART O relates to the authority of the Bureau of General Services to enter into agreements to conduct energy projects at state facilities.

PART P approves the cost items in collective bargaining agreements reached by the Judicial Department.

PART Q changes certain reporting for the Consensus Economic Forecasting Commission and for the Revenue Forecasting Committee.

PART R relates to a cooperative purchase system for schools statewide.

PART S allows the State Controller to share confidential working papers during an audit or investigation with the subject of the audit or investigation, other auditors or law enforcement.

PART T reorganizes the position of Commissioner of Professional and Financial Regulation.

PART U lapses unencumbered balance forward in the Salary Plan, General Fund account.

PART V directs the transfer from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program.

PART W adds costs to those funded by the General Purpose Aid to Local Schools account.

PART X revises the basis for applying residential treatment facilities and nursing facilities taxes.

PART Y repeals provisions related to rates paid to agencies providing services to individuals with mental retardation.

PART Z renames four programs of the Department of Health and Human Services.

PART AA authorizes the transfer of funds between the Mental Retardation Waiver - Supports program and other MaineCare programs.

PART BB lapses unencumbered balances in the Disproportionate Share General Fund accounts and transfers specified Other Special Revenue Funds in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

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PART CC adds salary savings balances from specified positions in the Psychiatric Center accounts to those balances authorized to be transferred to All Other.

PART DD authorizes the transfer of available fund balances to fund leased space agreements.

PART EE ensures that the school nurse consultant position is jointly supervised by staff of the Department of Health and Human Services and the Department of Education.

PART FF lapses unencumbered balance forward in the Division of Forest Fire Control, General Fund account in the Department of Conservation to the General Fund.

PART GG authorizes reorganization of programs and accounts in the Department of Education.

PART HH provides a process for determining the cost of dispensing a medication under the MaineCare program.

PART II transfers funds from the Bureau of Revenue Services Fund to the unappropriated surplus of the General Fund.

PART JJ provides for several methods of decreasing costs or increasing revenue for the judicial branch to offset the deappropriation made in Part A.

PART KK reestablishes the State Nuclear Safety Inspection Office and transfers the responsibility of all oversight and coordination of the spent fuel storage facility to the Department of Health and Human Services.

PART LL lapses funds from legislative accounts to the General Fund.

PART MM extends the authority to transfer information technology positions and funding.

PART NN requires the carry forward of balances in the Management Information Systems program, General Fund account and lapses unencumbered balance forward in the General Purpose Aid for Local Schools, General Fund to the General Fund.

PART OO allows the Department of Health and Human Services to seek collection of certain debts by transferring the debt to the Department of Administrative and Financial Services, Bureau of Revenue Services for collection by the bureau under its tax collection authority or using a specified set-off procedure.

PART PP transfers surplus funds of the State Fire Marshal Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART QQ requires a specified savings in the General Fund to be achieved through the elimination of state positions.

PART RR repeals the educational attainment investment tax credits in the income tax and insurance premiums tax statutes.

PART SS repeals the recruitment credits in the income tax and insurance premiums tax statutes.

PART TT directs the Department of Human Services to apply for a federal waiver to establish a different preferred drug list for MaineCare members enrolled under the childless adult waiver, and makes other provisions for the administration of the prescription drug benefit.

PART UU revises the time frame for the elimination of 100 positions in the Office of MaineCare Services and

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requires a report on the positions to be eliminated.

PART VV lapses unencumbered funds from the Department of Conservation to the General Fund.

PART WW incorporates LD 262 as amended by the Taxation Committee. It also amends the real estate transfer tax provisions regarding transfers made to the Housing Opportunities for Maine Fund.

PART XX increases the special housing allowance available to certain TANF recipients and provides a new transitional benefit.

PART YY requires a plan of consolidation, eliminating duplication or creating greater efficiencies in certain ministerial licensing and registration functions, food safety inspection activities and the regulation of drinking water and septic systems.

PART ZZ provides that the proceeds from the sale or lease of certain properties must be deposited in the General Fund.

PART AAA requires the State Controller to ensure that all financial commitments and adjustments have been made before transferring unexpended Personal Services balances to the Compensation Salary Plan General Fund account to be used for costs associated with collective bargaining agreements for state employees.

PART BBB transfers funds from the Maine Coastal and Inland Surface Oil Clean-up Fund to the unappropriated surplus of the General Fund.

PART CCC updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes concerning income tax and estate tax laws, enacts new modifications for individual and corporate income tax to include provisions enacted in the Economic Stimulus Act of 2008, enacts new modifications to itemized deductions for individuals and the fiduciary adjustment for estates and trusts and enacts a new addition modification related to the exclusion from income of certain state and local tax benefits or qualified payments to a member of a qualified volunteer emergency response organization.

PART DDD provides technical amendments to the service provider tax provisions of the Maine Revised Statutes.

PART EEE transfers Personal Services unencumbered balances in the Disproportionate Share General Fund accounts of the Riverview and Dorothy Dix Psychiatric Centers to the All Other line category.

PART FFF reduces funding as part of a departmentwide reorganization of the Department of Health and Human Services and requires a report to the legislature detailing the new organizational structure and the specific positions eliminated.

PART GGG provides one-time funds for an independent review and evaluation to determine the effectiveness of economic development programs and tax incentives implemented throughout State Government.

PART HHH transfers funds from the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART III provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from reducing the services provided through the cooperative agreement with the University of Maine System.

PART JJJ provides the method for distributing departmentwide savings that will result from consolidating outpatient

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services into one section of MaineCare.

PART KKK specifies conditions under which a person is allowed to report on the income tax return the sales tax on casual rentals rather than filing sales and use tax returns.

PART LLL increases camping fees for nonresidents and requires the meals and lodging tax to be added to the fees for both residents and nonresidents.

PART MMM transfers funds from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund.

PART NNN authorizes the Department of Health and Human Services to assess an annual enrollment fee to certain participants in the MaineCare program.

PART OOO transfers funds from Other Special Revenue Funds to the unappropriated surplus of the General Fund by June 30, 2008 and requires the reversal of the transfer on July 1, 2008 as repayment.

PART PPP increases the fee for background checks performed by the State Bureau of Identification and dedicates a portion of the fee to offset the cost of maintenance and replacement of hardware and software associated with the system.

PART QQQ increases the license fee on certificates of approval from \$600 to \$1,000 for malt liquor and for wine for out-of-state alcohol manufacturers.

PART RRR requires training funds paid to the employer under the Governor's Training Initiative Program to be on a reimbursement basis and limits the reimbursement rates.

PART SSS makes distributions from the County Jail Prisoner Support Fund discretionary and directs the Commissioner of Corrections to review the current organizational structure.

PARTS TTT through ZZZ require savings identified in the Initiative to Streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ in central services, telecommunications, technology training, postal and printing functions, employment and general advertising, and property and vehicle liability insurance.

PART AAAA limits the subtraction modification for the recapture of carry-back net operating losses and allows unused amounts resulting from the limitation to be carried over to future tax years.

PART BBBB restores the maximum benefit base under the Maine Residents Property Tax Program and repeals indexing of those amounts for inflation.

PART CCCC prohibits charging the Companion Animal Sterilization Fund for indirect costs under a Department of Agriculture, Food and Rural Resources indirect cost allocation plan, authorizes the Commissioner to contract out administration of the fund, limits expenditures for administration and directs a review of the fund and its administration.

PART DDDD transfers funds from various accounts within the Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund, specifies that the amount to be transferred represents available balances and prohibits an increase in assessed fees as a result of the transfer.

PART EEEE transfers funds from the Emergency Services Communications Bureau, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund.

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PART FFFF requires the Treasurer of State to implement a policy requiring the annual sale of shares of stock that are delivered to the State as unclaimed property.

PART GGGG directs the establishment by rule of license fees for food and food salvage establishments, meat and poultry processors and beverage plants to increase revenue by a specified amount as well as fees for registering a fuel dispensing nozzle and payments to local sealers for inspection of dispensing nozzles.

PART HHHH allocates funds from the Fund for a Healthy Maine to offset reductions in block grant funding or other reductions in family planning services, domestic violence and sexual assault programs, the Hancock County Drug Court and agencies that provide HIV/AIDS services.

PART IIII provides Fund for a Healthy Maine funding to local school units that provide breakfasts to eligible students for the student's portion of the cost of the breakfast.

PART JJJJ requires the Department of Education to work with other departments to better coordinate efforts to assist youths with handicaps who are in transition from school to the community.

PART KKKK requires that any fees associated with the Steve Powell Wildlife Management Area be deposited into a dedicated revenue account.

PART LLLL affects the Office of Program Evaluation and Government Accountability and was, subsequently, significantly amended by LD 2307, Public Law 2007, chapter 710.

PART MMMM requires the Commissioner of Health and Human Services to consult with the Court Master regarding proposed administrative staffing changes or changes in administrative position counts at Riverview Psychiatric Center and to provide notice to the Legislature regarding proposed changes and the results of the consultation with the Court Master.

PART NNNN requires the monthly reports concerning individuals with mental retardation and developmental disabilities.

PART OOOO establishes a position in the Department of Conservation to offset an eliminated position in the Land Use Regulation Commission, restores some funding for the civil air patrol program and adjusts funding between fiscal years to fund indigent defense.

PART PPPP establishes the Commission To Review Short-term and Long-term Costs in the Maine Public Employees Retirement System.

LD 2290 An Act To Protect Access to Health Care

PUBLIC 545

Sponsor(s)

MILLS J

Committee Report

Amendments Adopted

This bill gives the community service networks the responsibility of providing consolidated mental health crisis services for children and adults, beginning March 1, 2009, through a memorandum of understanding among providers of mental health services in the network that includes provisions to ensure coordination, eliminate duplication and provide a minimum level of crisis services established by the department. It includes appropriations for mental health consolidated crisis services and community integration services. It provides increased funding for MaineCare home- and community-based services for people who are served through the Medicaid Mental Retardation Waiver. It appropriates funds for hospital-based physicians and additional payments to hospitals. This