

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

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

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second Regular Session of the 124th 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>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<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 HOUSES</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 of the 124th Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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PART E increases the amount of the fixed transfers from the Local Government Fund to the General Fund from the state-municipal revenue sharing.

PART F authorizes the Commissioner of Conservation to install fee collection stations at unstaffed entrances of certain state parks and historic sites and establish fees to generate specified additional undedicated General Fund revenue.

PART G requires that all unspent Personal Services appropriations in executive branch agencies lapse to the Salary Plan program, General Fund account and lapses additional specified amounts in fiscal year 2009-10 and fiscal year 2010-11 to the General Fund to recognize the additional transfers to the Salary Plan as General Fund savings.

PART H limits slot machine revenue credited to the Fund for a Healthy Maine to a specified annual amount in fiscal years ending June 30, 2010, June 30, 2011 and June 30, 2012.

PART I repeals a provision of law that allows General Fund balances in the State Supplement to Federal Supplemental Security program to carry forward from one fiscal year to the next and prohibits the transfer by financial order of State Supplement to Federal Supplemental Security program funds.

PART J establishes an annual limit on the amount of General Fund appropriations the Driver Education and Evaluation Programs may receive.

PART K removes the Director, Division of Market and Production Development from the list of major policy-influencing positions within the Department of Agriculture, Food and Rural Resources.

PART L authorizes the Department of Education to temporarily adjust payments to local school administrative units under the General Purpose Aid for Local Schools program in fiscal year 2009-10 pursuant to the curtailment of the allotment contained in Executive Order 05 FY 10/11 dated November 20, 2009.

Public Law 2009, chapter 462 was enacted as an emergency measure effective January 21, 2010.

LD 1671 **An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011**

**PUBLIC 571
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DIAMOND	OTP-AM	H-790 H-798 CAIN

LD 1671 is the Governor's proposed Supplemental Budget Bill for the 2010-2011 biennium.

Committee Amendment "A" (H-790)

This is the unanimous report of the Committee in response to the Governor's proposed bill.

House Amendment "C" To Committee Amendment "A" (H-798)

This amendment makes technical corrections to Committee Amendment "A".

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Enacted Law Summary

Public Law 2009, chapter 571 achieves a net savings to the General Fund of \$360,377,841 and a net savings to the Fund for a Healthy Maine of \$11,894,553.

PART A makes appropriations and allocations of funds for the 2010-2011 biennium.

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

PART C authorizes the consolidation of information technology funding into a separate program account within each agency while allowing those accounts containing information technology funds that currently carry forward to continue to do so.

PART D transfers unexpended funds from the Baxter Compensation Authority account to the General Fund.

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

PART F lapses certain unencumbered balances and transfers certain unexpended funds within the Department of Administrative and Financial Services accounts to the General Fund.

PART G transfers certain unexpended funds within the Department of Administrative and Financial Services accounts to the General Fund.

PART H transfers certain unexpended funds within various Capital Construction Reserve Fund accounts to the General Fund unappropriated surplus.

PART I transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Administrative and Financial Services to the General Fund.

PART J transfers excess equity reserves for fiscal years 2008-09 and 2009-10 and savings from rate reductions for retiree health insurance in fiscal year 2010-11 to the General Fund and requires the State Budget Officer to distribute the statewide deappropriation.

PART K transfers certain unexpended funds from the Other Special Revenue Funds, Taxation Revenue Collection account to the General Fund.

PART L transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to the General Fund.

PART M transfers unexpended balances and the increase in revenue projected by the Revenue Forecasting Committee and enhanced federal medical assistance percentage under the American Recovery and Reinvestment Act of 2009 from the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund.

PART N requires the calculation and distribution of the savings in the Statewide Service Center account to each General Fund account for executive branch departments and agencies statewide from a reduction in retiree health insurance rates.

PART O requires the expedited repayment to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation of the unpaid balance of the initial deposit made to the Payroll Processor Recovery Fund maintained by the Finance Authority of Maine.

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PART P lapses an unencumbered balance forward of the Maine State Library, Library Special Acquisitions Fund program to the General Fund.

PART Q lapses a specified unencumbered balance forward in the Maine State Cultural Affairs Council, New Century Program Fund to the General Fund.

PART R transfers certain unexpended funds in the Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account to the General Fund.

PART S lapses a specified unencumbered balance forward in the Pollution Control Structures program, General Fund account to the General Fund.

PART T requires the State Budget Officer to calculate and distribute projected additional General Fund savings from the Statewide Information Technology account to departments and agencies statewide.

PART U modifies the statute related to filing complaints regarding the education of children with disabilities.

PART V repeals the provision of law on subsidizable costs of operating child care programs in private secondary schools that references the Essential Programs and Services Funding Act.

PART W corrects a conflict in statute by removing the position of Director of Special Projects and External Affairs within the Department of Education from those that are appointed by, and serve at the pleasure of, the Commissioner of Education.

PART X moves the location of deposits of net proceeds from the sale of used computers and peripheral equipment by the Department of Education; makes a technical correction to the Department of Education accounting structure change previously enacted; amends Resolve 2007 chapter 217 to strike a requirement for a specific reimbursement from the Teacher Retirement Account; and corrects an erroneous carry forward of a specified balance in the Workshops Other Special Revenue Funds Account.

PART Y removes the requirement that the Emergency Medical Services print and distribute certain information that will be available electronically.

PART Z authorizes the Department of Administrative and Financial Services to enter into certificate of participation financing for the acquisition of State Police motor vehicles and enter into financing agreements for the acquisition of vehicles for the Central Fleet and transfers certain unexpended funds in various accounts of the Department of Public Safety to the General Fund.

PART AA lapses certain unencumbered balances forward and transfers certain unexpended funds in various Other Special Revenue Funds accounts in the Department of Conservation and authorizes the sale of a Jet Ranger Helicopter, and the transfer to the General Fund of the resulting proceeds, within a specified time period.

PART BB transfers unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account to the General Fund.

PART CC lapses specified amounts from accounts within the Legislature to the General Fund in each year of the biennium and adjusts appropriations to legislative branch departments related to the restoration of longevity payments and savings associated with rate reductions for retiree health insurance.

PART DD transfers certain unexpended funds from the Bureau of Revenue Services Fund to the General Fund.

PART EE repeals Public Law 2009, chapter 213 Part LLL, section 1 which provides for the calculation and transfer

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of savings from the elimination of positions in the Department of Corrections. The required savings is reflected in Part A of this bill.

PART FF directs the Commissioner of Administrative and Financial Services to deposit \$1,500,000 in proceeds from the sale or lease of state-owned properties to the General Fund.

PART GG adopts a new process for purposes of calculating the sales apportionment factor for C corporations.

PART HH creates a short-term and 5-year initiative to raise revenue and reduce outstanding tax receivables.

PART II excludes specified property used by a telecommunications business from the Business Tax Exemption program and the Business Equipment Tax Reimbursement program in specified application periods.

PART JJ requires an additional transfer from the Local Government Fund to the General Fund.

PART KK establishes an emergency contingency account for short-term use requiring legislative approval. Balances not committed by the legislature by a specified date are to be transferred to the Maine Budget Stabilization Fund.

PART LL changes the date of the employment tax increment financing deposit and corrects a conflict between 2 previously enacted laws.

PART MM adjusts the estimated reimbursement payment to municipalities under the Homestead Property Tax Exemption program.

PART NN provides that employees of the Finance Authority of Maine are eligible for participation in the state employee group health plan.

PART OO lapses a specified amount of unencumbered balance forward in the Compensation and Benefit Plan, General Fund account to the General Fund.

PART PP corrects the allocations from a previously authorized General Fund bond issue.

PART QQ transfers certain unexpended funds from the Criminal History Record Check Fund, Other Special Revenue Funds account in the Department of Education to the General Fund.

PART RR authorizes the distribution of executive branch statewide savings from increased efficiencies and other cost reduction initiatives.

PART SS transfers savings from a return of excess equity and savings from a reduction in workers' compensation rates certain balances from Other Special Revenue Funds accounts to the General Fund.

PART TT transfers savings resulting from shutdown days and other statewide reductions previously authorized, from Other Special Revenue Funds accounts for departments and agencies statewide to the unappropriated surplus of the General Fund.

PART UU amends current law on elective share in an estate matter in Probate Court.

PART VV establishes a one-time hospital assessment for state fiscal year 2010-11.

PART WW directs the Department of Health and Human Services to amend its rules to reduce the need for, and number of, medical assessments to determine nursing home medical eligibility.

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PART XX requires that any balances of funds appropriated for TANF or ASPIRE-TANF may not lapse but must be carried forward from year to year to be expended for the same purposes.

PART YY directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to make recommendations for changes to the allocation of watercraft registration fees between their departments.

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

PART AAA updates the base year for the hospital tax.

PART BBB transfers a specified amount from the General Fund to Other Special Revenue Funds accounts within the Department of Health and Human Services for indirect cost allocation settlements.

PART CCC authorizes a one-day borrowing, or interfund advance by the General Fund from Other Special Revenue Funds.

PART DDD directs the Governor to implement recommendations of the 2008 report of the natural resources agency task force appointed by the Governor relating to eliminating duplication and achieving efficiencies in the natural resources sector.

PART EEE requires the Department of Health and Human Services, Office of Health Data and Program Management to adopt rules to set the fees for obtaining copies of vital records at the September 2009 levels.

PART FFF requires the Department of Agriculture, Food and Rural Resources, Harness Racing Commission, the University of Maine System and the Maine Community College System to provide an annual report regarding funds received from the net slot machine revenue of a slot machine facility and requires the Joint Standing Committee on Legal and Veterans Affairs to meet during the interim to review the allocation of funds from slot machine facilities and any other allocation of funds regarding casinos approved by the Legislature or the voters in the State and make recommendations for changes.

PART GGG requires the Department of Health and Human Services to convene a provider working group to participate in the process of developing and implementing standardized rates for private nonmedical institutions, including substance abuse treatment facilities and community residences for persons with mental illness to achieve specified savings.

PART HHH directs the Treasurer of State to convene a working group to investigate opportunities to align the use of payment cards across State Government.

PART III requires the Department of Health and Human Services to review its rules regarding food handling requirements in nursing facilities.

PART JJJ amends the laws governing the health credit premium program by reducing the number of levels of the state share of the individual premium for the standard plan.

PART KKK increases the baseline appropriation for the Debt Service - UMS program within the University of Maine System.

PART LLL allows the University of Maine System, the Maine Community College System and the Maine Maritime Academy to impose a surcharge for the use of a credit card to pay for tuition, fees and other services under specified conditions.

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PART MMM restores longevity payments to employees of the executive, judicial and legislative branches of State Government in fiscal year 2010-11.

PART NNN provides that any All Other balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account must be carried forward to June 30, 2011 to be used for the same purposes.

PART OOO gives the Department of Health and Human Services the authority to adopt any emergency rules necessary to implement the provisions included in the bill that are under the department's jurisdiction without demonstrating that the rules are necessary to avoid a threat to the public health, safety or general welfare.

PART PPP allows the Department of Health and Human Services to eliminate a service in the MaineCare program under specified conditions.

PART QQQ extends the period between a regional school unit budget meeting at which the regional school unit's annual budget is approved and its budget validation referendum; establishes the year for regional school units to consider continued use of the budget validation referendum process; and provides a method to reinstate the referendum.

PART RRR allows teachers covered by the Maine Public Employees Retirement System to purchase time attributable to days off without pay as a result of budget decisions made by local school administrative units.

PART SSS continues the authorization for any unencumbered Personal Services balances in the accounts that provide the General Fund match for eligible disproportionate share hospital components in the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center to be transferred to the All Other line category by financial order.

PART TTT provides the methodology for distributing the fundwide deallocation from the Fund for a Healthy Maine and authorizes transfer of the savings to the applicable programs.

PART UUU increases the transfers to the Maine Budget Stabilization Fund.

PART VVV provides additional time for a school administrative unit to comply with the reorganization law under specified conditions.

PART WWW allows the State Board of Property Tax Review to charge fees for petitions for appeal that are filed with the board and creates the Property Tax Review Board Fund, in which fees are deposited to assist in funding the board and establishes filing fees.

PART XXX extends the amount of time that the carry-forward of a school administrative unit's unallocated balances may exceed 3% of the previous fiscal year's school budget.

PART YYY directs the State Librarian to designate a nonprofit organization as the private support organization for the Maine State Library.

PART ZZZ requires the Commissioner of Education and the Commissioner of Health and Human Services to present a status report to the Joint Standing Committee on Education and Cultural Affairs regarding the financial implications of implementing any proposed changes to the Department of Health and Human Services rules pertaining to MaineCare.

PART AAAA directs the State Board of Corrections to continue efforts to achieve efficiencies within the unified correctional system and directs counties to participate in the board's initiatives.

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PART BBBB adds a one-time increase to the commercial forestry excise tax and requires the State Tax Assessor to report on the effect of the per acre tax rate of additional acreage added to the tax base and additional collections from enforcement activities.

PART CCCC requires the Department of Health and Human Services to convene a stakeholder group to redesign the shared living home model of housing and services for adults with developmental disabilities; requires the department to provide certain training; specifies a required reduction in the program; and requires the establishment of a reimbursement structure that produces a specified amount in General Fund savings.

PART DDDD requires the Department of Health and Human Services to amend rules regarding state survey follow-ups for minor deficiencies to reduce the need for nursing facility survey revisits.

PART EEEE amends a resolve enacted in the First Regular Session of the 124th Legislature establishing a task force on kinship families.

PART FFFF requires the Commissioner of Administrative and Financial Services and the Commissioner of Public Safety to convene a study group to evaluate gambling and liquor-related oversight activities.

PART GGGG exempts the Department of Conservation, Division of Forest Protection from the provision of the Maine Revised Statutes that lapses unexpended General Fund Personal Services appropriations to the Salary Plan program, General Fund account at the close of each fiscal year.

PART HHHH provides that the Commissioner of Public Safety, under the direction of the Gambling Control Board, shall hire an executive director and that the director shall hire staff in accordance with the Civil Service Law.

PART IIII provides deappropriations of salary savings from the Department of Health and Human Services and authorizes its distribution.

PART JJJJ requires a review of certain functions of the Executive Department, State Planning Office to achieve specified General Fund savings.

PART KKKK transfers a specified amount from the unappropriated surplus of the General Fund to the Medical Care Services Federal Expenditures Fund program within the Department of Health and Human Services for the federal disallowance related to targeted case management services provided in 2002 and 2003.

PART LLLL directs the Department of Administrative and Financial Services, State Liquor and Lottery Commission to enter into an agreement to offer the multijurisdictional lottery game known as Mega Millions and to adopt routine technical rules to implement the lottery game.

PART MMMM suspends the cost-of-living adjustment in the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges for one year.

PART NNNN authorizes the Commissioner of Conservation to install fee collection containers at certain unstaffed state parks and historic sites and establish fees to generate a specified amount of additional undedicated General Fund revenue.

PART OOOO directs the Governor to implement a statewide curtailment of General Fund allotments no later than October 1, 2010 to replace unrealized budgeted savings if the extension of the enhanced Medicaid matching is not enacted by the United States Congress by July 1, 2010.

PART PPPP requires the Department of Health and Human Services to convene a working group of stakeholders to conduct a study and make recommendations regarding the delivery of mental health and substance abuse outpatient

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services.

PART QQQQ requires the Department of Health and Human Services to convene a stakeholder advisory group to provide guidance to the department regarding the transition to managed care for the MaineCare program.

PART RRRR directs the Department of Health and Human Services to use funds provided to adjust MaineCare rates, where necessary and applicable, to actuarially based rates. Only those rates for services that would otherwise be subject to a 10% rate reduction in Part A may be considered for the purpose of this Part.

PART SSSS directs the Department of Health and Human Services to establish a rate structure that supports 2 levels of crisis services.

Public Law 2009, chapter 451 was enacted as an emergency measure effective March 31, 2010.

LD 1748 An Act To Authorize a General Fund Bond Issue To Purchase and Upgrade Trackage of the Montreal, Maine and Atlantic Railway ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT JACKSON	ONTP	

The funds provided by this bond issue will be used to purchase and upgrade 241 miles of track of the Montreal, Maine and Atlantic Railway to maintain service to towns in the northern part of the State and to prevent closure of this trackage.

LD 1748 was originally referred to the Joint Standing Committee on Transportation, which issued a divided report: The majority report of that committee was OTP-A with the amendment being the addition of a fiscal note; the minority report was ONTP. The bill was then committed to the Appropriations and Financial Affairs Committee, which reported the bill out ONTP.

LD 1826, as enacted, contains a similar bond proposal.

LD 1761 An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

The funds provided by this bond issue will be used to purchase the software and the hardware necessary for health care providers to exchange patients' health care records electronically.

LD 1761 was originally referred to the Committee on Health and Human Services. That committee reported the bill out in an amended form, Committee Amendment "A" (S-445), which proposed the following: establishing the Electronic Medical Records Infrastructure Program and associated fund within the Finance Authority of Maine; providing that the fund is administered by a person designated by the Governor; authorizing the fund to provide loans to qualified recipients to establish an electronic medical records infrastructure to allow health care providers to exchange patients' health care records electronically; authorizing the fund to provide grants to