

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Appropriations and Financial Affairs

LD 63 **An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line** **Carried Over**

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

The funds provided by this bond issue, in the amount of \$21,000,000, will be used to repair the Mountain Division rail line between Portland and Fryeburg.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 100 **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, 2011** **PUBLIC 1 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD ROSEN R	OTP-AM	H-2

LD 100 is the Governor's proposed fiscal year 2010-11 Emergency Supplemental Budget.

Committee Amendment "A" (H-2)

Committee Amendment "A" (H-2) is the unanimous report of the Committee in response to the Governor's proposed bill.

Enacted Law Summary

Public Law 2011, chapter 1 results in a net cost to the General Fund of \$118,116,848 and a net cost to the Fund for a Healthy Maine of \$1,380,582.

PART A makes supplemental appropriations and allocations of funds for fiscal year 2010-11.

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

PART C aligns budget appropriation categories with the services being provided to the early childhood population by the Child Development Services System and services being provided by local schools and makes adjustments to the funding of K-12 education.

PART D relates to the administration of certain school administrative units and renames a program within the Department of Education.

PART E relates to the debt service limit for school construction projects.

Joint Standing Committee on Appropriations and Financial Affairs

PART F renames a program in the Department of Agriculture.

PART G provides for a one-day borrowing in fiscal year 2010-11 from Other Special Revenue Funds to the Fund for a Healthy Maine.

PART H transfers unexpended funds from the Division of Forest Protection, Other Special Revenue Funds account within the Department of Conservation to the unappropriated surplus of the General Fund.

PART I lapses unexpended funds in the Department of Environmental Protection, Land and Water Quality program General Fund carrying account to the General Fund unappropriated surplus.

PART J reduces the amount of unexpended funds to be transferred from the Maine Solid Waste Management Fund, Other Special Revenue Funds to the General Fund unappropriated surplus at the close of fiscal year 2010-11 and transfers funds from the Ground Water Oil Clean-up Fund, Other Special Revenue Funds account to the General Fund.

PART K requires the Commissioner of Education to conduct a comprehensive review of the Child Development Services System and to report the results to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs.

PART L transfers unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account to the unappropriated surplus of the General Fund and authorizes the transfer of Personal Services appropriations between General Fund accounts to cover separation and other personnel-related costs that may occur following the election of the Governor.

PART M clarifies that a specified amount of the General Fund unappropriated surplus must be transferred to the Maine Budget Stabilization Fund in fiscal year 2010-11 and increases the amount to be transferred from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund on June 30, 2011.

PART N increases the revenue-sharing transfer to General Fund undedicated revenue for fiscal year 2010-11 and requires the revenue increase to General Fund undedicated revenue to be proportional based on the number of months remaining in fiscal year 2010-11.

PART O authorizes any balance remaining in the Traumatic Brain Injury Seed program, General Fund account within the Department of Health and Human Services to be carried forward at the end of any fiscal year.

PART P updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes, Title 36. This primarily affects the State's income tax laws.

PART Q requires the State Controller to transfer a specified amount of unexpended Personal Services savings that would otherwise lapse to the Salary Plan program to General Fund unappropriated surplus at the close of fiscal year 2010-11 and allows the State Controller to transfer funding from the Salary Plan program to General Fund unappropriated surplus in the event that the specified amount of Personal Services savings is not achieved.

PART R requires the Department of Administrative and Financial Services, Bureau of the Budget to review vacant positions and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs with recommendations on eliminating vacant positions.

PART S exempts the Department of Health and Human Services, Disproportionate Share - Riverview

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Psychiatric Center and the Disproportionate Share - Dorothea Dix Psychiatric Center accounts and the Department of Education, Education in the Unorganized Territory account 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 T directs an applicant who intends to submit an application for a license to operate a casino in Oxford County to the Department of Public Safety, Gambling Control Board on or before December 1, 2011 to submit up to a specified amount of the fees to cover the projected costs of considering the application no later than May 1, 2011.

PART U transfers balances from several Other Special Revenue Funds accounts within the Department of Health and Human Services to General Fund unappropriated surplus.

PART V lapses unexpended funds in several Department of Health and Human Services General Fund carrying accounts to the General Fund unappropriated surplus.

PART W provides that for a transfer \$400,000 from the Division of Forest Protection, General Fund account in the Department of Conservation to the General Fund unappropriated surplus if the balance of the former account exceeds a specified amount on June 1, 2011. If the balance does not exceed the specified amount the Department of Conservation is authorized to sell a Jet Ranger helicopter and transfer \$400,000 from the proceeds to the General Fund unappropriated surplus.

PART X requires that a specified General Fund appropriation be provided for the Doctors for Maine's Future Scholarship Fund program no later than June 30, 2013.

PART Y lapses a portion of unencumbered balance forward of the Department of Labor, Governor's Training Initiative Program, General Fund account to the General Fund.

PART Z lapses a specified amount in the Department of Education, Management Information Systems General Fund carrying account to the General Fund unappropriated surplus.

PART AA eliminates the requirement that the Governor appoint the Commissioner of Professional and Financial Regulation from among the Superintendent of Financial Institutions, the Superintendent of Consumer Credit Protection, the Superintendent of Insurance and the Director of the Office of Licensing and Registration and gives statutory authority to the State Board of Nursing to accept federal funds on behalf of the State for the board's programs.

PART BB increases the period for providing certain information required by the Department of Administrative and Financial Services, Bureau of Revenue Services and for requesting a hearing before a creditor agency.

PART CC increases the period allowed for filing an amended Maine income tax return, a service provider tax return or estate tax return under certain circumstances and clarifies what triggers a requirement to file an amended Maine income tax return.

PART DD extends the period during which certain tax refunds may be requested.

PART EE reduces the period during which the State may not pay interest on certain overpayments of tax that are refunded to the taxpayer.

PART FF clarifies the original intent of Public Law 2009, chapter 571 related to the state share of health

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insurance premiums for certain employees.

PART GG authorizes the administrator of the Maine Milk Pool to distribute a specified amount under the dairy stabilization program between March 1, 2011 and June 30, 2011.

PART HH transfers unexpended funds from the Board of Pesticides Control, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund.

PART II requires the Finance Authority of Maine to make a one-time payment of a portion of the interest earned in the Agricultural Marketing Loan Fund to the State as undedicated General Fund revenue.

PART JJ changes the salary range for the position of Deputy Chief Medical Examiner.

Public Law 2011, chapter 1 was enacted as an emergency measure effective February 8, 2011.

LD 111 An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide Carried Over

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

The funds provided by this bond issue, in the amount of \$3,000,000, will be used for large-scale marketing of Maine seafood and for research and development for seafood production and processing to increase bulk sales of Maine seafood worldwide.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 141 An Act To Increase the Retirement Age for New State Employees to 65 Years of Age ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to impose a retirement age of 65 years of age for those employees participating in the Maine Public Employees Retirement System who have not yet vested.

LD 1043, as enacted, contains a similar provision.