

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 125th Legislature is Thursday, August 30, 2012. 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

nonfarm income official poverty line effective October 1, 2012.

PART BB extends the current freeze on new enrollment in the MaineCare childless adult waiver program through June 30, 2013 in order to reduce the limit on total annual spending for the waiver to \$40,000,000. It also requires quarterly reports on enrollment and spending and requires the Commissioner of Health and Human Services to submit a plan to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters that achieves the necessary savings through a waiver program benefit redesign as the next course of action if the enrollment freeze is insufficient to maintain spending within the \$40,000,000.

PART CC requires the Department of Health and Human Services to amend the rules on MaineCare benefits to require substitution for a brand-name drug of a generic and therapeutically equivalent drug unless the prescriber has indicated that only the brand-name drug may be dispensed and that the brand-name drug is medically necessary and the department has previously authorized dispensing the brand-name drug. It also specifies certain exemptions from the mandatory substitution requirements.

PART DD requires a review of MaineCare reimbursement rates for inpatient substance abuse treatment and inpatient psychiatric treatment provided in community hospital with a reporting deadline of July 1, 2012.

PART EE lowers the amount of racino slot machine revenue that accrues to the Fund for a Healthy Maine in fiscal year 2012-13 from \$4,500,000 to \$2,500,000. This will reduce revenue to the Fund for a Healthy Maine by \$2,000,000 and increase the General Fund share of this revenue by the same amount.

PART FF gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of the bill over which the department has specific authority that has not been addressed by some other part of the bill.

PART GG repeals language requiring the State to use payroll deductions to collect health insurance assessments from Legislators because the mechanism of payroll deduction for Legislators is unavailable during the portion of the year in which the Legislature is not convened in session. This alters only the method of collecting the health insurance assessment; the assessment requirement itself remains unchanged.

PART HH lapses \$5,000,000 from the Bureau of Medical Services account within the Department of Health and Human Services to the unappropriated surplus of the General Fund at the end of fiscal year 2011-12.

PART II increases the interfund advance from Other Special Revenue Funds to the General Fund unappropriated surplus required for one day at the end of fiscal year 2011-12 from \$43,000,000 to \$102,000,000.

Public Law 2011, chapter 477 was enacted as an emergency measure effective February 23, 2012.

LD 1870

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 To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012

**PUBLIC 575
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

H-778 FLOOD

Joint Standing Committee on Appropriations and Financial Affairs

This bill was introduced by the Committee on Appropriations and Financial Affairs pursuant to Joint Order 2012, H.P. 1367 to address revenue shortfalls projected for the fiscal year ending June 30, 2012. It contains several initiatives originally proposed in LD 1903.

House Amendment "A" (H-778)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 575 results in a net savings to the General Fund of \$4,938,904 in fiscal year 2011-12.

PART A adjusts appropriations and allocations for debt service within the Office of the Treasurer of State.

PART B increases the amount the Finance Authority of Maine is required to transfer from the Loan Insurance Reserve Fund to General Fund undedicated revenue in fiscal year 2011-12 from \$1,000,000 to \$2,000,000.

PART C requires the State Controller to transfer \$450,000 from the Bureau of Revenue Services Fund, Internal Service Fund account to General Fund unappropriated surplus by June 30, 2012.

PART D requires the State Controller to transfer the first \$600,000 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 2011-12.

PART E lapses \$300,000 from the unencumbered balance in the Maine Farms for the Future, General Fund account in the Department of Agriculture, Food and Rural Resources to the General Fund in fiscal year 2011-12.

PART F provides that a portion of unencumbered balance forward of the Department of Health and Human Services, Disproportionate Share - Riverview Psychiatric Center and Disproportionate Share - Dorothea Dix Psychiatric Center, General Fund accounts lapses to the General Fund in fiscal year 2011-12.

PART G requires the State Controller to transfer \$100,000 in unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services to General Fund unappropriated surplus no later than June 30, 2012.

PART H requires the State Budget Officer to calculate the savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and transfer those savings by financial order upon the approval of the Governor.

Public Law 2011, chapter 575 was enacted as an emergency measure effective March 30, 2012.

LD 1903 An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013 PUBLIC 655 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD ROSEN R	OTP-AM	H-938 H-949 FLOOD

This bill is the Governor's proposed Supplemental Budget Bill for the 2012-2013 biennium.