

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 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 127th Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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- 5. It deappropriates unused feasibility study funds in fiscal year 2015-16.
- 6. It deappropriates funds no longer needed for debt services in fiscal years 2015-16 and 2016-17 only.

Public Law 2015, chapter 439 was enacted as an emergency measure effective April 7, 2016.

LD 1606

An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017

**PUBLIC 481
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM	S-545 ALFOND J
WINSOR T	OTP-AM	

This bill requires the transfer of \$67,292,995 in fiscal year 2015-16 and \$5,389,377 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

Committee Amendment "A" (S-464)

This amendment, which is the majority report of the committee, replaces the bill and changes the title.

Part A increases wages for select personnel at the state mental health institutions. Similar provisions are contained in LD 1645.

Part B directs the Department of Health and Human Services to amend its rules to increase the reimbursement rates for personal care and related services to reflect 50% of Personal Care and Related Services: Final Rate Models. It requires the Department of Health and Human Services to estimate the number of hours, and cost of those hours, of unmet need. Similar provisions are contained in LD 886 as amended by the Joint Standing Committee on Health and Human Services.

Part C provides for the upward adjustment of salary schedules in fiscal year 2015-6 for certain law enforcement positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources and law enforcement supervisors within the Department of Agriculture, Conservation and Forestry and the Baxter State Park Authority. It also provides for a similar salary schedule adjustment for certain law enforcement confidential employees and allows the Governor to make similar salary schedule adjustments to unclassified law enforcement positions that are subject to the Governor's adjustment or approval. This Part authorizes use of the Salary Plan program to fund the adjustments and provides that certain law enforcement positions supported from other funds must be funded whenever possible from those other sources. Similar provisions are contained in LD 1653 and in LD 1523 as finally passed by the 127th Legislature.

Part D provides one-time funding for the operation of the State's county jails and regional jails. Similar provisions are contained in LD 1614 as finally passed by the 127th Legislature.

Part E establishes certain requirements relating to maximum allowable cost pricing lists used by pharmacy benefits managers; requires a pharmacy benefits manager to provide certain information to a pharmacy with which the pharmacy benefits manager has a contract; and establishes an appeal process to allow a pharmacy to challenge a drug's maximum allowable cost under certain conditions. Similar provisions are contained in LD 1150 as enacted by the 127th Legislature.

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Part F provides funding for an increase in reimbursement rates to eligible MaineCare providers for the last three months of fiscal year 2015-16 and for fiscal year 2016-17 in order to offset a January 1, 2016 increase in the service provider tax. Similar provisions are contained in LD 1638 as enacted by the 127th Legislature.

Part G allows a portion of a consolidated loan that is a qualifying education loan to be eligible for the educational opportunity tax credit beginning with tax year 2015. It also provides that only a qualifying education loan that is consolidated with a nonqualifying education loan is eligible. Similar provisions are contained in LD 1657 as enacted by the 127th Legislature.

Part H does the following for tax years beginning on or after January 1, 2016: 1) allows a qualified individual who earned a bachelor's or associate degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016 to be eligible for the educational opportunity tax credit regardless of the number of transfer credits earned at a non-Maine community college, college or university; 2) allows a resident of Maine who is employed at least part time in a position on a vessel at sea to qualify for the educational opportunity tax credit; expands the employer credit to include graduate degrees earned by qualified employees and by removes the principal cap relative to qualified employees. Similar provisions are contained in LD 1657 as enacted by the 127th Legislature.

Part I requires the transfer of \$44,500,000 in fiscal year 2015-16 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

This amendment was not adopted.

Committee Amendment "B" (S-465)

This amendment is the minority report of the committee. This amendment reduces the amount of the unappropriated surplus transferred to the Maine Budget Stabilization Fund in fiscal year 2015-16 to \$55,500,000 and eliminates the transfer in fiscal year 2016-17. This amendment also establishes a priority for the transfer of the uncommitted balances after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made in fiscal year 2015-16. The first priority is that 90% of the unappropriated surplus is transferred to the Maine Budget Stabilization Fund; the remaining 10% is distributed on a priority basis in the same manner as specified in the so-called cascade established in the Maine Revised Statutes, Title 5, section 1536, including requiring 80% of the funds remaining after those distributions to be transferred to the Maine Budget Stabilization Fund and 20% transferred to the Tax Relief Fund for Maine Residents.

This amendment was not adopted.

Senate Amendment "A" (S-545)

This amendment replaces the bill and changes the title.

Part A transfers \$10,000,000 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Maine Budget Stabilization Fund in fiscal year 2016-17.

Part B extends the current sales tax exemption or refund for fuel used in commercial fishing vessels to include all fuel used in commercial fishing and fuel used in commercial agricultural production, aquacultural production and wood harvesting. Similar provisions are contained in LD 1481 as amended by the Joint Standing Committee on Taxation.

Part C provides for two cost-of-living rate increases for private nonmedical institutions. The first is a 4% increase starting on July 1, 2016 and the second, for fiscal year 2017-18 is based on the Consumer Price Index medical care services index. Similar provisions are contained in LD 1527 as amended by the Joint Standing Committee on

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Health and Human Services.

Part D provides one-time funds for the Jobs for Maine's Graduates - College Program.

Part E establishes the Substance Abuse Assistance Program to provide grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism. It also appropriates funds for grants and for one Contract Grant Specialist position and other administrative costs. Similar provisions are contained in LD 1488 as amended by the Joint Standing Committee on Judiciary.

Part F provides funding for three new peer centers in different parts of the State to coordinate and run peer support programs to help persons in recovery from drug addiction. Similar provisions are contained in LD 1496 as amended by the Joint Standing Committee on Health and Human Services.

Part G directs the State Controller to transfer \$10,555,982 in fiscal year 2016-17 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49, to the unappropriated surplus of the General Fund.

Part H transfers \$979,732 in fiscal year 2016-17 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Office of the Treasurer to be used solely for consumer and antitrust activities identified in the court decree and approved by the Attorney General with the consent of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

Part I provides one-time funding to the Maine State Grant Program for scholarships.

Enacted Law Summary

Public Law 2015, chapter 481 does the following.

Part A transfers \$10,000,000 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Maine Budget Stabilization Fund in fiscal year 2016-17.

Part B extends the current sales tax exemption or refund for fuel used in commercial fishing vessels to include all fuel used in commercial fishing and fuel used in commercial agricultural production, aquacultural production and wood harvesting.

Part C provides for two cost-of-living rate increases for private nonmedical institutions. The first is a 4% increase starting on July 1, 2016 and the second, for fiscal year 2017-18 is based on the Consumer Price Index medical care services index.

Part D provides one-time funds for the Jobs for Maine's Graduates - College Program.

Part E establishes the Substance Abuse Assistance Program to provide grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism. It also appropriates funds for grants and for one Contract Grant Specialist position and other administrative costs.

Part F provides funding for three new peer centers in different parts of the State to coordinate and run peer support programs to help persons in recovery from drug addiction.

Part G directs the State Controller to transfer \$10,555,982 in fiscal year 2016-17 from the funds received pursuant

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Part H transfers \$979,732 in fiscal year 2016-17 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Office of the Treasurer to be used solely for consumer and antitrust activities identified in the court decree and approved by the Attorney General with the consent of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

Part I provides one-time funding to the Maine State Grant Program for scholarships.

Public Law 2015, chapter 481 was enacted as an emergency measure effective April 16, 2016.

LD 1630 An Act To Authorize a General Fund Bond Issue for the Construction of a New Fish Hatchery ONTP

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

The funds provided by this bond issue, in the amount of \$28,000,000, will be used to fund the design and construction of a new fish hatchery in the State.

LD 1640 An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K FREDETTE K	ONTP OTP-AM	

The bill provides funds for Maine Maritime Academy in order to make repairs and do restorative work on the schooner Bowdoin, the official state vessel used by Maine Maritime Academy for its Vessel Operations and Technology Program.

Committee Amendment "A" (S-456)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 1645 An Act To Address Employee Recruitment and Retention Issues at State Mental Health Institutions PUBLIC 505 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R DOORE D	OTP-AM ONTP	S-507

This bill increases wages for select personnel at the state mental health institutions.