

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

STAFF:

MAUREEN S. DAWSON, PRINCIPAL ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635
<http://legislature.maine.gov/ofpr>

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STATE OF MAINE

129TH LEGISLATURE
FIRST 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 First Regular Session of the 129th 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 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 129th Legislature is Thursday, September 19, 2019. 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

This bill, which was introduced and finally disposed of during the First Special Session of the 129th Legislature, was not referred to committee.

Part A provides a bond issue, in the amount of \$20,000,000, to be used for the acquisition of land and interest in land for conservation; water access; wildlife or fish habitat, including deer wintering areas; outdoor recreation, including hunting and fishing; and working farmland preservation and working waterfront preservation.

Part B allows proceeds of the Land for Maine's Future Fund to be spent on property that is determined by the Land for Maine's Future Board to be for a community conservation project, defines "community conservation project," amends the definition of "cooperating entities" and sets helping the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate as a priority of the board in making land acquisitions.

LD 1885 An Act To Authorize a General Fund Bond Issue To Repair or Replace Bureau of Forestry Helicopters CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$4,000,000, will be used to repair or replace Department of Agriculture, Conservation and Forestry, Bureau of Forestry helicopters.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2060 An Act To Authorize a General Fund Bond Issue To Provide a New Dormitory Facility at the Maine School of Science and Mathematics CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J		

The funds provided by this bond issue, in the amount of \$10,000,000, will be used for a new dormitory facility at the Maine School of Science and Mathematics.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2126 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, 2020 and June 30, 2021 PUBLIC 616 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C	OTP-AM	H-775

Joint Standing Committee on Appropriations and Financial Affairs

This emergency bill proposes to make supplemental appropriations and allocations for the expenditures of State Government, General Fund and other funds and change certain provisions of the law for the fiscal years ending June 30, 2020, June 30, 2021.

The summary below does not include proposed changes or additions contained in the Governor's "Change Package."

Part A makes supplemental appropriations and allocations of funds in the 2020-2021 biennium.

Part B makes appropriations and allocations of funds for self-funded, approved reclassifications and range changes.

Part C establishes for fiscal year 2020-21 the total cost of education from kindergarten to grade 12, the per-pupil rate for education service center administration, the state contribution and the annual target state share percentage. It also caps the total allocation for a career and technical education center or career and technical education region; amends the laws governing the payment of targeted education funds; and establishes the debt service ceiling for capital projects for fiscal years 2023-24 through 2026-27.

Part D increases the amount of financing agreements that the Department of Administrative and Financial Services may enter into in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division and for State Police motor vehicles.

Part E increases the amount of the death benefit payable for law enforcement officers, firefighters and emergency medical services personnel who have died while in the line of duty.

Part F authorizes the Maine Governmental Facilities Authority to issue additional securities for capital costs related to state-owned facilities, hazardous waste cleanup on state-owned properties and certain costs related to Curtis Hall at the Maine Maritime Academy.

Part G updates the mileage rate paid to employees and state officers and officials not subject to a bargaining agreement to either the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower.

Part H authorizes the General Fund to receive up to \$20,000,000 in undedicated revenues associated with profits from liquor operations and continues the transfers previously established.

Part I authorizes the Department of Administrative and Financial Services to enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund.

Part J transfers \$20,116,942 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund in fiscal year 2019-20.

Part K authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to pay operating expenses from the Aerial Fire Suppression Fund.

Part L directs that any unexpended balance of the one-time funds appropriated for repairs and upgrades at armories in the Department of Defense, Veterans and Emergency Management, Military Training and Operations program, General Fund account be carried forward into the subsequent fiscal years for the purpose for which they were intended.

Part M changes the titles of two positions within Department of Education to Director of Marketing and Communications and designates the Chief Innovation Officer position as a major policy-influencing position in the department.

Joint Standing Committee on Appropriations and Financial Affairs

Part N increases flexibility with respect to when a secondary student may take an early college course.

Part O replaces the term "school nutrition" where it appears in the statutes with the term "child nutrition."

Part P requires the Education Research Institute to provide an annual report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on education data requested by the Legislature.

Part Q adds the Chief of Staff and Operations position as a major policy-influencing position in the Department of Education.

Part R changes the title of Director, Legislative Affairs within the Department of Education to Director of Policy and Government Affairs.

Part S implements criminal history record checks for certain individuals with access to federal tax information and other federally protected data at the Department of Administrative and Financial Services, Office of Information Technology.

Part T renames the Facilities, Safety and Transportation program within the Department of Education the Facilities and Transportation program.

Part U requires any unexpended balance of the one-time funds appropriated for investigation and remediation of uncontrolled sites in the Department of Environmental Protection, Remediation and Waste Management program, General Fund account to be carried forward into subsequent fiscal years for the purpose for which they were intended.

Part V requires any unexpended balance of the one-time funds appropriated for water treatment facilities in the Department of Environmental Protection, Water Quality program, General Fund account to carry forward into subsequent fiscal years for the purpose for which they were intended.

Part W authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center to the All Other line category.

Part X updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after January 1, 2019, and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. These provisions are also included in LD 2010 as amended by the Joint Standing Committee on Taxation.

Part Y clarifies that, with regard to each hospital in the State, the hospital's fiscal year that ended during calendar year 2016 is intended to be the hospital's taxable year for all state fiscal years beginning on or after July 1, 2019 for the purpose of taxes imposed by the Maine Revised Statutes, Title 36, section 2892

Part Z establishes a senior legal advisor for the commissioner within the Department of Health and Human Services.

Part AA establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to adults receiving home-based and community-based services. Provisions of this Part are also included in LD 1377 as amended by the Joint Standing Committee on Health and Human Services.

Part BB requires the Department of Health and Human Services to amend the Office of Elder Services Policy Manual to increase the number of reimbursable medication passes per consumer per day.

Part CC transfers an additional \$2,036,206 to the Maine Commission on Indigent Legal Services in fiscal year 2019-20.

Joint Standing Committee on Appropriations and Financial Affairs

Part DD transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to fund a Personal Services shortfall in fiscal year 2019-20.

Part EE reduces certain unemployment insurance trust fund contributions for employers by a percentage used to calculate the Unemployment Administrative Fund assessment.

Part FF establishes the Unemployment Program Administrative Fund.

Part GG authorizes the use of unemployment insurance modernization funds under the American Recovery and Reinvestment Act of 2009 and Section 903(f) of the federal Social Security Act for the purposes of operating the State's unemployment compensation and public employment systems

Part HH authorizes any unexpended balances of the one-time funds appropriated in Part A for Department of Labor, Department of Economic and Community Development and Department of Education programs associated with apprenticeships, career exploration, adult education workforce development and preschool programs, toward the goal of enhancing Maine's current and future workforce, to carry forward into the subsequent fiscal years for the purposes for which they were intended.

Part II authorizes General Fund appropriations in the Department of Transportation to carry forward into the subsequent fiscal years to be used for the same purposes.

Part JJ adds to the job classifications in the Department of Public Safety that are eligible to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System.

Part KK authorizes any unexpended balances of the one-time funds appropriated in Part A for the Forest City dam engineering study and repair and restoration of the Forest City dam and several other dams in the Office of the Commissioner - Inland Fisheries and Wildlife program to carry forward into the subsequent fiscal years for the purposes for which they were intended.

Part LL amends the Maine Seed Capital Tax Credit Program. Provisions of this Part are also included in LD 1200 as amended by the Joint Standing Committee on Taxation.

Committee Amendment "A" (H-775)

Part A makes supplemental appropriations and allocations of funds in the 2020-2021 biennium.

Part B makes appropriations and allocations of funds for self-funded, approved reclassifications and range changes.

Part C establishes for fiscal year 2020-21 the total cost of education from kindergarten to grade 12, the per-pupil rate for education service center administration, the state contribution and the annual target state share percentage. It also caps the total allocation for a career and technical education center or career and technical education region; amends the laws governing the payment of targeted education funds; and establishes the debt service ceiling for capital projects for fiscal years 2023-24 through 2026-27.

Parts D, E, F and G are intentionally left blank.

Part H transfers \$20,000,000 from the Liquor Operation Revenue Fund in the Maine Municipal Bond Bank to the unappropriated surplus of the General Fund in fiscal year 2019-20

Part I is intentionally left blank.

Joint Standing Committee on Appropriations and Financial Affairs

Part J transfers \$17,143,338 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund in fiscal year 2019-20.

Part K authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to pay operating expenses from the Aerial Fire Suppression Fund.

Parts L, M, N, O, P, Q and R are intentionally left blank.

Part S implements criminal history record checks for certain individuals with access to federal tax information and other federally protected data at the Department of Administrative and Financial Services, Office of Information Technology.

Parts T, U and V are intentionally left blank.

Part W authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center to the All Other line category.

Part X updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after January 1, 2019 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. These provisions are also included in LD 2010 as amended by the Joint Standing Committee on Taxation.

Part Y clarifies that, with regard to each hospital in the State, the hospital's fiscal year that ended during calendar year 2016 is intended to be the hospital's taxable year for all state fiscal years beginning on or after July 1, 2019 for the purpose of taxes imposed by the Maine Revised Statutes, Title 36, section 2892.

Parts Z and AA are intentionally left blank.

Part BB requires the Department of Health and Human Services to amend the Office of Elder Services Policy Manual to increase the number of reimbursable medication passes per consumer per day.

Part CC transfers an additional \$2,036,206 to the Maine Commission on Indigent Legal Services in fiscal year 2019-20.

Part DD transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to fund a Personal Services shortfall in fiscal year 2019-20.

Part EE reduces certain unemployment insurance trust fund contributions for employers by a percentage used to calculate the Unemployment Administrative Fund assessment.

Part FF establishes the Unemployment Program Administrative Fund.

Part GG authorizes the use of unemployment insurance modernization funds under the American Recovery and Reinvestment Act of 2009 and Section 903(f) of the federal Social Security Act for the purposes of operating the State's unemployment compensation and public employment systems

Parts HH, II, JJ and KK are intentionally left blank.

Part LL amends the Maine Seed Capital Tax Credit Program. Provisions of this Part are also included in LD

Joint Standing Committee on Appropriations and Financial Affairs

1200 as amended by the Joint Standing Committee on Taxation.

Enacted Law Summary

Public Law 2019, chapter 616 does the following:

Part A makes supplemental appropriations and allocations of funds in the 2020-2021 biennium.

Part B makes appropriations and allocations of funds for self-funded, approved reclassifications and range changes.

Part C establishes for fiscal year 2020-21 the total cost of education from kindergarten to grade 12, the per-pupil rate for education service center administration, the state contribution and the annual target state share percentage. It also caps the total allocation for a career and technical education center or career and technical education region; amends the laws governing the payment of targeted education funds; and establishes the debt service ceiling for capital projects for fiscal years 2023-24 through 2026-27.

Parts D, E, F and G are intentionally left blank.

Part H transfers \$20,000,000 from the Liquor Operation Revenue Fund in the Maine Municipal Bond Bank to the unappropriated surplus of the General Fund in fiscal year 2019-20.

Part I is intentionally left blank.

Part J transfers \$17,143,338 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund in fiscal year 2019-20.

Part K authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to pay operating expenses from the Aerial Fire Suppression Fund.

Parts L, M, N, O, P, Q and R are intentionally left blank.

Part S implements criminal history record checks for certain individuals with access to federal tax information and other federally protected data at the Department of Administrative and Financial Services, Office of Information Technology.

Parts T, U and V are intentionally left blank.

Part W authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center to the All Other line category.

Part X updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after January 1, 2019 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended.

Part Y clarifies that, with regard to each hospital in the State, the hospital's fiscal year that ended during calendar year 2016 is intended to be the hospital's taxable year for all state fiscal years beginning on or after July 1, 2019 for the purpose of taxes imposed by the Maine Revised Statutes, Title 36, section 2892.

Parts Z and AA are intentionally left blank.

Joint Standing Committee on Appropriations and Financial Affairs

Part BB requires the Department of Health and Human Services to amend the Office of Elder Services Policy Manual to increase the number of reimbursable medication passes per consumer per day.

Part CC transfers an additional \$2,036,206 to the Maine Commission on Indigent Legal Services in fiscal year 2019-20.

Part DD transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to fund a Personal Services shortfall in fiscal year 2019-20.

Part EE reduces certain unemployment insurance trust fund contributions for employers by a percentage used to calculate the Unemployment Administrative Fund assessment.

Part FF establishes the Unemployment Program Administrative Fund.

Part GG authorizes the use of unemployment insurance modernization funds under the American Recovery and Reinvestment Act of 2009 and Section 903(f) of the federal Social Security Act for the purposes of operating the State's unemployment compensation and public employment systems.

Parts HH, II, JJ and KK are intentionally left blank.

Part LL This Part amends the Maine Seed Capital Tax Credit Program.

Public Law 2019, chapter 616 was enacted as an emergency measure effective March 18, 2020.

LD 2134 An Act To Authorize a General Fund Bond Issue for Infrastructure To Improve Transportation and Internet Connections

PUBLIC 673

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	S-449 BREEN C
BREEN C	OTP-AM	
	OTP-AM	

LD 2134

An Act To Authorize a General Fund Bond Issue for Infrastructure To Improve Transportation and Internet Connections

PUBLIC 673

The funds provided by the bond issue under Part A, in the amount of \$105,000,000, will be used for improvement of highways and bridges statewide and for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects, to be matched by an estimated \$275,000,000 in federal and other funds.

The funds provided by the bond issue under Part B, in the amount of \$15,000,000, will be used for investments in high-speed internet infrastructure for unserved and underserved areas, to be matched by up to \$30,000,000 in federal, private, local or other funds.

Committee Amendment "A" (H-769)

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