

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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

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**LEGISLATIVE DIGEST OF BILLS AND
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. 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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for the 6.2% increase in the Federal Medical Assistance Percentage based on the extension of the national public health emergency related to the COVID-19 pandemic for the first, 2nd and 3rd quarter of fiscal year 2022-23. The offsets for these deappropriations and deallocations are Federal Expenditures Fund allocations of \$158,965,759 and Federal Block Grant Fund allocations of \$1,941,382 in fiscal year 2022-23.

Part E allows the Commissioner of Environmental Protection to suspend the sulfur content requirements for liquid and solid fossil fuels if the commissioner finds that the expected availability of fuel that complies with those requirements is inadequate to meet the needs of residential, commercial or industrial users in this State and that such expected unavailability constitutes an immediate threat to public health, safety or the general welfare. The commissioner is required to specify in writing the period during which the suspension is in effect.

Part F requires the temporary suspension of the provision of law that requires certain General Fund revenue and resources that exceed the General Fund appropriation limit to be transferred to the Maine Budget Stabilization Fund.

Public Law 2023, chapter 1 was enacted as an emergency measure effective January 4, 2023.

LD 206 An Act to Make Supplemental Appropriations and Allocations from the General Fund and Other Funds 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, 2023

ENACTED LAW SUMMARY

Public Law 2023, chapter 3 does the following.

Part A makes supplemental appropriations and allocations of funds for fiscal year 2022-23.

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

Part C amends Public Law 2021, chapter 483, "An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds," to repeal the following provisions.

1. Part DD, which required the Department of Health and Human Services to establish a pilot program for in-home personal care services to minors and allocated funding for that purpose.
2. The allocation in Part EE for one-time funding for the Department of Health and Human Services to provide equal supplemental payments during 2022 to certain providers of services.
3. It repeals the allocation in Part KK for one-time funds to the Department of Agriculture, Conservation and Forestry for contracted facilitation services.

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Part C also provides that the funds allocated but not used in Parts DD, EE and KK are instead allocated to extend the temporary Small Business Health Insurance Premium Support Program through December 2023.

Part C also does the following.

1. It authorizes the transfer of unspent funds within the Department of Professional and Financial Regulation, Bureau of Insurance to the Finance Authority of Maine, Maine Health Care Provider Loan Repayment Fund.
2. It authorizes limited-period positions funded with the Federal Expenditures Fund - ARP State Fiscal Recovery to be extended via financial order and authorizes the encumbered balances within the Federal Expenditures Fund - ARP State Fiscal Recovery to be carried forward through fiscal year 2025-26 to align with the period of performance authorized by the Federal Government.
3. It clarifies that funds approved in Public Law 2021, chapter 483 for state parks may be used for the Allagash Wilderness Waterway.

Part D removes the borrowing authority of the Department of Administrative and Financial Services to enter into financing agreements in fiscal year 2021-22 and increases the borrowing authority of the department to enter into financing agreements in fiscal year 2022-23 for the acquisition of motor vehicles for the Central Fleet Management Division and adjusts the interest rate.

Part E clarifies that the winter energy relief payment authorized in Public Law 2023, chapter 1 will not be included as income, may not be considered to reduce need and may not be considered a potential resource when determining an application for the municipal general assistance program.

Part F authorizes an extension of the expiration date to August 1, 2023 for limited-period positions that are set to expire in June 2023 but are funded through fiscal year 2022-23 and are proposed to continue into the next biennium.

Part G directs the Maine Governmental Facilities Authority to transfer \$149,955 from the balance in the authority's operating account to the State as undedicated revenue no later than June 30, 2023.

Part H authorizes the State Controller to carry forward to fiscal year 2023-24 any unexpended balance appropriated in the Department of Administrative and Financial Services, Information Services program, General Fund account, All Other line category in fiscal year 2022-23.

Part I authorizes the Department of Administrative and Financial Services to transfer by financial order available Personal Services balances in the Information Services program, General Fund account, for fiscal year 2022-23 only, to fund statewide cybersecurity costs.

Part J authorizes the State Controller to transfer up to \$6,600,000 from the unappropriated surplus of the General Fund to the Retirement Allowance Fund within the Maine Public Employees Retirement System to fund one-time 1.0% cost-of-living increase for retirement benefit payments.

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Part K resolves a conflict regarding the deposit of revenue into the Animal Welfare Fund from the surcharge on the registration of pet food by specifying that the maximum revenue the Animal Welfare Fund may receive from the surcharge is \$57,000.

Part L authorizes the State Controller to carry forward to fiscal year 2023-24 and fiscal year 2024-25 any unexpended balance of the \$2,756,126 appropriated in the Housing Opportunity Program, General Fund account, All Other line category in Public Law 2021, chapter 635, Part A, section 8 to be expended for the same purposes.

Part M lapses \$10,777,679 of the unencumbered balance forward in the Department of Health and Human Services, Medical Care Services - Payments to Providers program, General Fund account to the General Fund in fiscal year 2022-23.

Part N lapses \$6,161,154 of the unencumbered balance forward of the Department of Health and Human Services, Nursing Facilities program, General Fund carrying account to the General Fund in fiscal year 2022-23.

Part O directs the State Controller to carry forward up to \$259,000 of unexpended balance in the Department of Secretary of State, Bureau of Administrative Services and Corporations program, General Fund account, All Other line category at the end of fiscal years 2022-23 and 2023-24 for the next fiscal year to be used for contracted programming costs to implement online voter registration.

Part P directs that remaining balances in the Office of Treasurer of State, Debt Service - Treasury program carry forward from fiscal year 2022-23 to 2023-24.

Part Q authorizes the Maine Commission on Indigent Legal Services to adopt major substantive rules on an emergency basis to amend the billing rate for assigned legal counsel effective March 1, 2023 to a maximum of \$150 per hour without the necessity of demonstrating that immediate adoption is necessary to avoid an immediate threat to public health, safety or general welfare. This Part also suspends, between March 1, 2023 and June 30, 2023, the requirement that the hourly rate of compensation for an appointed guardian ad litem may not be less than the rate of compensation for assigned legal counsel established by the Maine Commission on Indigent Legal Services.

Part R requires the Maine Milk Commission to contract for a study to assess the cost of milk production in Maine based on costs and other financial factors in calendar year 2022 to be completed by December 31, 2023. This Part also transfers \$50,000 from the unappropriated surplus of the General Fund to the Maine Milk Commission Other Special Revenue Funds account to fund the study.

Part S requires the Department of Health and Human Services, once it completes the MaineCare reimbursement rate setting process, to provide reimbursement for patients discharged from psychiatric inpatient units and inpatient substance use disorder units at an initial rate that provides 100% aggregate cost reimbursement for providers based on 2022 data.

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Part T requires the Department of Health and Human Services to distribute funds to long-term care providers pursuant to Part A of this legislation based on a methodology that takes facility needs into account. The funds provided are meant to serve as interim support to assist long-term care providers adversely affected by the COVID-19 pandemic and higher than expected inflation until the department implements rate-setting system reform for services provided by long-term care providers.

Part U extends by one year the deadline for expenditure of the one-time supplemental payments distributed to nursing and residential care facilities.

Public Law 2023, chapter 3 was enacted as an emergency measure effective February 21, 2023.

LD 258 An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025

ENACTED LAW SUMMARY

Public Law 2023, chapter 412 does the following.

Part A makes changes to appropriations and allocations of funds for the 2024-2025 biennium.

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

Part C transfers \$4,000,000 from the unappropriated surplus of the General Fund to the Judicial Department, Courts – Supreme, Superior and District program, Other Special Revenue Funds account on or before June 30, 2024 for distribution by the Civil Legal Services Fund Commission to providers of civil legal services.

Part D updates the title of the Director of Human Resources to State Human Resources Officer within the Department of Administrative and Financial Services. It also directs the Revisor of Statutes to update this title when updating, publishing or republishing the statutes and the Department of Administrative and Financial Services to update this title when adopting or amending rules and developing or publishing forms, policies and publications.

Part E authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$39,500,000 to pay for the costs associated with the planning, design, renovation, abatement, construction, financing, furnishing and equipping of new and existing facilities to serve as a headquarters for the Department of Inland Fisheries and Wildlife.

Part F authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$71,050,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

ENACTED LAW SUMMARIES