

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

m  
R.O.S.

DATE: 3-27-00

(Filing No. H-942)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1818, L.D. 2552, Bill, "An Act to Allocate from the Fund for a Healthy Maine"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately after July 1, 2000; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**PART A**

**Sec. A-1.** 22 MRSA §1511, sub-§3, ¶D is enacted to read:

D. In any fiscal year in which revenue deposited into the fund is less than estimated by the Treasurer of State for

R 4 5

COMMITTEE AMENDMENT "B" to H.P. 1818, L.D. 2552

2 that fiscal year, programs and services supported by the  
3 fund must be reduced accordingly in proportion to their  
4 share of the overall fund, except for the Medical Care -  
5 Payments to Providers program. The allotment of available  
6 funds must be implemented by financial order contingent upon  
7 the recommendation of the State Budget Officer and approval  
8 of the Governor and upon review by the joint standing  
9 committee of the Legislature having jurisdiction over  
10 appropriations and financial affairs.

11 **Sec. A-2. PL 1999, c. 401, Pt. V, §4** is amended to read:

12 **Sec. V-4. Working capital advance.** The State Controller is  
13 authorized to advance to the Bureau of Health Other Special  
14 Revenue Fund Account in the Department of Human Services  
15 \$3,500,000 from the General Fund unappropriated surplus on July  
16 1, 1999 to be allotted by financial order upon the recommendation  
17 of the State Budget Officer and approval of the Governor for the  
18 purpose of continuing the tobacco prevention and control  
19 initiative, ~~which must be returned to the General Fund from the~~  
20 ~~Fund for a Healthy Maine no later than June 30, 2000.~~

21 **Sec. A-3. Allocation.** The following funds are allocated from  
22 Other Special Revenue funds to carry out the purposes of this Act.

23  
24  
25  
26 **1999-00** **2000-01**  
27  
28 **ADMINISTRATIVE AND FINANCIAL**  
29 **SERVICES, DEPARTMENT OF**

30 **Trust Fund for a Healthy**  
31 **Maine**

32  
33  
34 All Other \$6,308,981 \$4,785,867

35 Provides for the allocation  
36 of funds from the Fund for a  
37 Healthy Maine to the Trust  
38 Fund for a Healthy Maine in  
39 accordance with the  
40 provisions of the Maine  
41 Revised Statutes, Title 22,  
42 section 1511, subsection 3,  
43 paragraph A and section 1512,  
44 subsection 2, paragraph A.

45  
46 **DEPARTMENT OF ADMINISTRATIVE AND**  
47 **FINANCIAL SERVICES**  
48 **TOTAL** \$6,308,981 \$4,785,867

2 A. Maintain an accurate accounting of the use of all  
3 program funds as required by state procedures and program  
4 guidelines;

5 B. Undertake an ongoing process to evaluate the impact of  
6 the research undertaken with program funds. At a minimum,  
7 the evaluation process must be designed to provide the  
8 following:

9 (1) An assessment of the direct and indirect economic  
10 impact of the funded research; and

11 (2) An assessment of the contribution of the funded  
12 research to scientific advancement and the  
13 institution's competitive position; and

14 C. Each biennium, submit a report to the department. The  
15 report must include:

16 (1) An accounting of the use of all program funds  
17 received in the previous 2 years, prepared by a  
18 certified public accountant;

19 (2) An accounting of all revenues, including  
20 royalties, generated by the program's investments;

21 (3) A summary of the status of any ongoing research;

22 (4) A summary of the results of any completed  
23 research; and

24 (5) Evaluation data and assessment.

25 9. Rulemaking. The department shall adopt routine  
26 technical rules, pursuant to Title 5, chapter 375, subchapter  
27 II-A to implement this section.

28 **Sec. C-2. 22 MRSA §1511, sub-§6, ¶¶G and H, as enacted by PL**  
29 **1999, c. 401, Pt. V, §1, are amended to read:**

30 G. Substance abuse prevention and treatment; and

31 H. Comprehensive school health programs, including  
32 school-based health centers; and

33 **Sec. C-3. 22 MRSA §1511, sub-§6, ¶I is enacted to read:**

34 I. Biomedical research as described in Title 5, section  
35 13103, subsection 4.

RMS

COMMITTEE AMENDMENT "B" to H.P. 1818, L.D. 2552

2	PART A, Section A-2	(\$3,500,00)		(\$3,500,000)
4	PART A, Section A-3	6,308,981	38,785,867	45,094,848
6	PART B, Section B-2		56,103	56,103
8	PART C, Section C-5		10,000,000	10,000,000
10	PART D, Section D-11		(5,000,000)	(5,000,000)
12	PART D, Section D-12		10,000,000	10,000,000
14	OTHER SPECIAL REVENUE FUNDS			
16	TOTAL	<u>\$2,808,981</u>	<u>\$53,841,970</u>	<u>\$56,650,951</u>

18 **Federal Expenditures Fund**

20	PART A, Section A-4		\$42,000,000	\$42,000,000
22	PART D, Section D-11		(23,804,694)	(23,804,694)
24	FEDERAL EXPENDITURES FUND			
26	TOTAL	<u>\$0</u>	<u>\$18,195,306</u>	<u>\$18,195,306</u>

28 **ADJUSTMENTS TO GENERAL FUND BALANCE**

30	PART A, Section A-2	(\$3,500,000)		(\$3,500,000)'
----	---------------------	---------------	--	----------------

34 **SUMMARY**

36 This is the minority report of the Joint Standing Committee on Appropriations and Financial Affairs. It replaces the bill.

40 Part A of this amendment requires that revenues deposited into the Fund for a Healthy Maine that are less than estimated for programs and services supported by the Fund for a Healthy Maine must be reduced proportionately to their share of the overall fund, except the Medical Care - Payments to Providers program.

46 Part A also amends the law to eliminate the requirement that the Fund for a Healthy Maine return a working capital advance to the General Fund.

**COMMITTEE AMENDMENT**

2 Part A also provides allocations in 5 areas. It allocates  
10% of estimated tobacco settlement revenue to the Trust Fund for  
4 a Healthy Maine. The Partnership for a Tobacco-free Maine is  
funded to create a support system for those who want to quit  
6 smoking and for other statewide tobacco interventions. Funds are  
provided to implement the recommendations of the Substance Abuse  
8 Services Commission, and a program is established to improve  
delivery of and access to quality care for Medicaid recipients.  
10 Funding is also provided to cover an anticipated Medicaid  
shortfall.

12 Part B establishes and funds the position of school nurse  
consultant within the Department of Human Services and the  
14 Department of Education. The school nurse consultant's duties  
include acting as a liaison to school health care providers and  
16 policy-setting groups; providing health care, nursing, policy and  
legal information regarding school nursing, school health care  
18 programs and professional development; promoting staff  
development and promoting nursing excellence and optimal health  
20 of school children.

22 Part C creates the Maine Biomedical Research Program, using  
a \$10,000,000 allocation from the Fund for a Healthy Maine.  
24 Funds are intended to support biomedical research with priority  
given to research and research technologies with the potential to  
26 affect diseases, biomedical mechanisms or conditions that are  
either caused by or related to tobacco use. A report is due to  
28 the First Regular Session of the 120th Legislature concerning  
ways to share revenue, including royalties, generated by  
30 biomedical research funded by this Act.

32 Part D expands the supplemental program of the Low-cost Drug  
to Maine's Elderly to cover 80% of the cost of generic drugs not  
34 covered in the basic program, to institute a catastrophic  
component whereby the Department of Human Services would  
36 establish an annual limit on the total costs to be paid by  
eligible persons in the program, after which the program must pay  
38 80% of all covered drugs or medications and make the Low-cost  
Drugs to Maine's Elderly program the payor of last resort through  
40 a 3rd-party liability recovery process.

42 The amendment also adds a fiscal note.