

MAINE STATE LEGISLATURE

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R08

L.D. 2220

DATE: 11-12-02

(Filing No. H-1126)

MAJORITY
APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220, Bill, "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 for the Fiscal Year Ending June 30, 2003"

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, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable prior to June 30, 2003; and

Whereas, it is necessary that such modifications be made as soon as possible to ensure the continuous operation of State Government; 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:

COMMITTEE AMENDMENT

PART OO

2 **Sec. OO-1. 22 MRSA §1511, sub-§9** is enacted to read:

4 9. Working capital advance. Beginning July 1, 2003, the
6 State Controller is authorized to provide an annual advance up to
8 \$37,500,000 from the General Fund to the fund to provide money
10 for allocations from the fund. This money must be returned to
12 the General Fund as the first priority from the amounts credited
14 to the fund pursuant to subsection 2, paragraph A.

16 **Sec. OO-2. PL 2001, c. 358, Pt. Y, §1** is repealed.

PART PP

18 **Sec. PP-1. 21-A MRSA §1020-A, sub-§§4-A and 5-A** are enacted to
20 read:

22 4-A. Basis for penalties. The penalty for late filing of a
24 report required under this subchapter, except for accelerated
26 campaign finance reports required pursuant to section 1017,
28 subsection 3-B, is a percentage of the total contributions or
30 expenditures for the filing period, whichever is greater,
32 multiplied by the number of calendar days late, as follows:

34 A. For the first violation, 1%;

36 B. For the 2nd violation, 3%; and

38 C. For the 3rd and subsequent violations, 5%.

40 Any penalty of less than \$5 is waived.

42 Violations accumulate on reports with filing deadlines in a
44 2-year period that begins on January 1st of each even-numbered
46 year. Waiver of a penalty does not nullify the finding of a
48 violation.

50 A report required to be filed under this subchapter that is sent
by certified or registered United States mail and postmarked at
least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by
transmission of a facsimile copy of the duly executed report to
the commission, as long as an original of the same report is
received by the commission within 5 calendar days thereafter.

The penalty for late filing of an accelerated campaign finance
report as required in section 1017, subsection 3-B may be up to

2		2002-03
4	PART B, Sections B-1, B-9, B-18 & PART II	(\$10,362,638)
	PART B, Section B-13	(\$9,318)
6	PART B, Section B-1, B-18 & Part II	\$1,700,000
8	ADJUSTMENTS TO FUND FOR A HEALTHY MAINE BALANCE, TOTAL	<hr/> (\$8,671,956)

10 The Federal Expenditures Fund and Other Special Revenue
12 funds allocations in Part CC, Section CC-5 are contingent on the
14 implementation of the proposed assessment on nursing homes and
residential treatment facilities.

16 Part DD, Section DD-1 contains General Fund deappropriations
18 that are related to the proposed assessment on nursing homes and
residential treatment facilities or the approval of a federal
20 waiver. If either the assessment or the waiver is not
22 implemented, the Department of Behavioral and Developmental
Services and the Department of Human Services may require
supplemental appropriations in FY 2002-03.

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SUMMARY

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28 This amendment strikes the bill and substitutes the
following.

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PART A

32 Part A does the following:

34 1. Adjusts the appropriations and allocations to achieve
36 General Fund savings; and

38 2. Provides appropriations to offset a portion of the
40 curtailment financial order and to provide funds for the backlog
of autopsies.

42

PART B

44 Part B does the following:

46 1. Repeals Public Law 2001, chapter 358, Part JJ, section
48 1, which authorized a working capital advance from the Fund for a
Healthy Maine to the Maine Rx Dedicated Fund in the Department of
Human Services;

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COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Part NN establishes a one-time assessment on hospitals in
fiscal year 2002-03.

4 **PART OO**

6 Part OO increases the amount of the General Fund working
capital advance from \$25,500,000 to \$37,500,000, which will
8 support allocations from the Fund for a Healthy Maine since,
beginning in fiscal year 2003-04, the tobacco settlement payments
10 will occur just once a year in April.

12 **PART PP**

14 Part PP reinstates the penalty provisions that were in
effect prior to enactment of Public Law 2001, chapter 470, but
16 gives the Commission on Governmental Ethics and Election
Practices discretion to set penalties up to a maximum amount.

18 **PART QQ**

20 Part QQ authorizes the Finance Authority of Maine to provide
22 loans in 2003 to businesses that demonstrate a substantial
hardship as a result of the change in timing of the application
24 for and receipt of reimbursement under the personal property tax
reform program, the Business Equipment Tax Reimbursement, or
26 BETR, program.

28 **PART RR**

30 Part RR allows the Commission on Governmental Ethics and
Election Practices to request an advance of revenues to the Maine
32 Clean Election Fund in the event of a projected shortfall of
funds needed for the election in 2006.

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