

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 1828

DATE: 1/29/04 (Filing No. H-642)

MAJORITY

APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1351, L.D. 1828, Bill, "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005"

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; 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,

COMMITTEE AMENDMENT

PART AA

Sec. AA-1. 22 MRSA §1511, sub-§3-B is enacted to read:

3-B. Departmental indirect cost allocation plans. Any revenue transfer made on or after July 1, 2000 from a Fund for a Healthy Maine account to another account pursuant to an approved departmental indirect cost allocation plan is determined by the Legislature to be an authorized use of revenue credited to the Fund for a Healthy Maine. The State Budget Officer shall reduce allotment for the amount of any transfer made from a Fund for a Healthy Maine account for the purpose authorized in this subsection.

Sec. AA-2. Adjustments to prior period authorizations. The Department of Human Services is authorized to utilize funds within the Department of Administrative and Financial Services, Fund for a Healthy Maine account allocations within the department that would otherwise be returned to the Fund for a Healthy Maine to offset the expenditures in excess of allocations from the Fund for a Healthy Maine totaling \$28,999 within the Purchased Social Services program in fiscal year 2001-02 and \$22,743 within the Human Leukocyte program in fiscal year 2001-02.

In fiscal year 2002-03, the revenue transfers totaling \$873,295 from the following program accounts to the Fund for a Healthy Maine account within the Department of Administrative and Financial Services are considered a reduction in legislative authorization for fiscal year 2002-03 in the respective programs:

1. In the Department of Behavioral and Developmental Services, Office of Substance Abuse, \$47,706; and
2. In the Department of Human Services:
 - A. For Purchased Social Services, \$235,427;
 - B. For the Community Service Center, \$502,128;
 - C. For the Bureau of Medical Services, \$82,948; and
 - D. For the Bureau of Family Independence, \$5,086.

Sec. AA-3. Fund for Healthy Maine unallocated balance. Notwithstanding any other provision of law, on the effective date of this Part the State Controller is authorized to recognize as unallocated balance in the Fund for a Healthy Maine account within the Department of Administrative and Financial Services \$219,187 of funds returned from audit findings.

	DEPARTMENT TOTALS	2003-04	2004-05
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	GENERAL FUND	(53,000)	0
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	DEPARTMENT TOTAL - ALL FUNDS	(\$53,000)	\$0

PART CC

8 **Sec. CC-1. Appropriations and allocations.** The following
10 appropriations and allocations are made.

12 **HUMAN SERVICES, DEPARTMENT OF**

14 **Medical Care - Payments to Providers**

16 Initiative: Deappropriates and deallocates funds.

	General Fund	2003-04	2004-05
18	All Other	(\$821,369)	\$0
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	General Fund Total	(821,369)	0

	Federal Expenditures Fund	2003-04	2004-05
22	All Other	(1,842,818)	0
24			
	Federal Expenditures Fund Total	(1,842,818)	0

	HUMAN SERVICES, DEPARTMENT OF		
28	DEPARTMENT TOTALS	2003-04	2004-05
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	GENERAL FUND	(821,369)	0
32	FEDERAL EXPENDITURES FUND	(1,842,818)	0
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	DEPARTMENT TOTAL - ALL FUNDS	(\$2,664,187)	\$0

36 **Emergency clause.** In view of the emergency cited in the
38 preamble, this Act takes effect when approved.'

SUMMARY

42 This amendment does the following.

PART A

44 Part A makes appropriations and allocations of funds.

PART B

PART Z

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Part Z requires that beginning July 1, 2004, MaineCare reimbursement and access to services are subject to the rules, policies, principles and guidelines that were in effect on January 15, 2004. It requires that changes on or after July 1, 2004 be done in accordance with the major substantive rule-making procedures. There is an exception for adjustments or increases in eligibility related to the nonfarm income official poverty line and United States Social Security Act of 1935.

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Part AA

Part AA does the following.

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1. It establishes a mechanism to account for departmental indirect cost allocation plan amounts as an approved use of revenue from the Fund for a Healthy Maine.

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2. It authorizes certain revenue transfers from departmental program accounts back to the Fund for a Healthy Maine in fiscal year 2002-03 to reflect the actual transfers that occurred. It also provides for the recognition of fiscal year 2001-02 expenditures that exceeded legislative authority.

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3. It recognizes \$219,187 as an unallocated balance in the Fund for a Healthy Maine. This amount represents actual revenue received during fiscal year 2003-04 from audit findings.

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4. It provides an allocation from the Fund for a Healthy Maine in fiscal year 2003-04 to support a portion of the cost of not adopting rules to create 2 benefit levels in the low-cost drugs for the elderly program and not increasing the catastrophic cap to \$1,200 per benefit year.

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Part BB

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Part BB deappropriates Personal Services savings from Maine Revenue Services and the Salary Plan program in fiscal year 2003-04.

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Part CC

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Part CC deappropriates and deallocates funding from the Medical Care - Payments to Providers account.

FISCAL NOTE REQUIRED
(See attached)