

MAINE STATE LEGISLATURE

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DATE: 3/22/5 MAJORITY (Filing No. H-35)

APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 343, L.D. 468, Bill, "An Act Making Unified 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, 2006 and June 30, 2007"

Amend the bill by striking out the title and substituting the following:

'An Act Making Unified 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, 2005, June 30, 2006 and June 30, 2007'

Further 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

COMMITTEE AMENDMENT

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PART TT

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Sec. TT-1. 22 MRSA §1552, sub-§1, as amended by PL 2003, c. 673, Pt. CC, §1, is further amended to read:

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1. **Application process; license fees.** An applicant for an annual retail tobacco license shall file an application in the form required by the department. The department shall make provisions for applications under this section. The fee for a retail tobacco license ~~is--\$50--annually~~ must be determined annually by the department by rulemaking. The applicant shall enclose the fee with the application for the license. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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Sec. TT-2 Tobacco fee calculation and revenue requirements. Beginning July 1, 2005, the Department of Health and Human Services shall implement a sliding-scale license fee based on the relative size of retail tobacco licensees. In determining the sliding-scale license fee, the department may rely on a number of measures of the relative size of the licensee, including, but not limited to: total sales, total cigarette sales, total square footage of the retail establishment and the relative size of the retailer's cigarette display. The sliding-scale license fees assessed under this Part must generate total revenues per year no less than the revenues that would be generated by a \$100 flat annual fee applied to all retail tobacco licensees.

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PART UU

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Sec. UU-1. 20-A MRSA §15671, sub-§6, as amended by PL 2005, c. 2, Pt. D, §33 and affected by §§72 and 73, is further amended to read:

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6. **Targeted funds.** Funds for technology, assessment and the costs of additional investments in educating children in kindergarten to grade 2 as described in section 15681 must be provided as targeted ~~grants~~ allocations. School administrative units shall submit a plan for the use of these funds and shall receive funding based on approval of the plan by the commissioner.

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Sec. UU-2. 20-A MRSA §15675, sub-§1, as amended by PL 2005, c. 2, Pt. D, §38 and affected by §§72 and 73, is further amended to read:

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COMMITTEE AMENDMENT "A" to H.P. 343, L.D. 468

2 All Other (\$61,167,861) (\$64,532,094)
GENERAL FUND TOTAL (\$61,167,861) (\$64,532,094)

4 **Teacher Retirement 0170**

6 Initiative: Deappropriates funds due to prefunding of the
8 unfunded actuarial liability of teachers' retirement with
proceeds from the Pension Cost Reduction Bond.

10 **GENERAL FUND** 2005-06 2006-07
12 All Other (\$113,316,207) (\$119,548,943)
14 GENERAL FUND TOTAL (\$113,316,207) (\$119,548,943)

16 **EDUCATION, DEPARTMENT OF**
18 **DEPARTMENT TOTALS** 2005-06 2006-07
20 **GENERAL FUND** (\$174,484,068) (\$184,081,037)
22 **DEPARTMENT TOTAL - ALL FUNDS** (\$174,484,068) (\$184,081,037)

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

26 **SUMMARY**

28 This amendment does the following.

30 **PART A**

32 Part A makes appropriations and allocations of funds
34 reflecting current services.

36 **PART B**

38 Part B makes appropriations and allocations of funds
40 representing reduction proposals or adjustments to current
services.

42 **PART C**

44 Part C specifies a mill expectation of 8.26 mills for fiscal
46 year 2005-06; the total cost of funding public education from
kindergarten to grade 12, consisting of total operating
48 allocation, total debt service allocation and total adjustments
and miscellaneous costs; and the state and local shares of those
50 costs.

2 Part QQ authorizes the Department of Health and Human
Services to engage a private vendor to audit providers located
4 outside the State and base the compensation on a percentage of
the amount of overpayment received by the department.

6 PART RR

8 Part RR authorizes the Department of Health and Human
Services to change the rate for foster board and care paid to
10 unlicensed homes and permit those homes to apply for licensure to
receive a higher reimbursement rate.

12 PART SS

14 Part SS restructures the provision of information and
16 technology services.

18 PART TT

20 Part TT provides that the fee for a retail tobacco license
must be set according to a sliding scale determined by the
22 Department of Health and Human Services according to the relative
size of the licensee.

24 PART UU

26 Part UU does the following.

28 It requires that targeted funds distributed to school
30 administrative units for technology, assessment and the costs of
additional investments in educating children in kindergarten to
32 grade 2 must be provided as targeted allocations.

34 It provides an adjustment in fiscal year 2005-06 for school
administrative units that have more than 15 and fewer than 26
36 limited English proficiency students by providing that the first
15 students will receive a weight of .50 instead of .30 as
38 otherwise required.

40 It provides for an adjustment in fiscal year 2005-06 to the
per-pupil transportation costs that are recognized under the
42 essential programs and services funding formula for school
administrative districts and community school districts that have
44 more than 1,250 resident pupils in the school district by
requiring that the per-pupil transportation costs for these
46 school districts may not be less than 90% of the established
costs for the most recent fiscal year.

48 It provides a transition adjustment in fiscal year 2005-06
50 for small school administrative units with fewer than 500