

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document	No. 2289
H.P. 1651	House of Representatives, March 31, 2008

An Act Making 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 Years Ending June 30, 2008 and June 30, 2009

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.
Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FISCHER of Presque Isle.

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

2 **PART A**

3 **Sec. A-1. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

6 **Accident - Sickness - Health Insurance 0455**

7 Initiative: Reduces funding for the State's contribution to premiums for the law
8 enforcement and firefighters retiree health insurance to recognize savings from slightly
9 lower than projected enrollments.

10 GENERAL FUND	2007-08	2008-09
11 All Other	\$0	(\$29,607)
12		
13 GENERAL FUND TOTAL	\$0	(\$29,607)

14 **Administration - Human Resources 0038**

15 Initiative: Transfers one Public Service Manager II position, 2 Public Service Coordinator
16 II positions, 3 Public Service Coordinator I positions and one Office Specialist II position
17 and related All Other funding from the Office of Employee Relations to the Bureau of
18 Human Resources as part of the merger approved in Public Law 2007, chapter 240, Part
19 HH.

20 GENERAL FUND	2007-08	2008-09
21 POSITIONS - LEGISLATIVE COUNT	0.000	7.000
22 Personal Services	\$0	\$611,952
23 All Other	\$0	\$57,791
24		
25 GENERAL FUND TOTAL	\$0	\$669,743

26 **Administration - Human Resources 0038**

27 Initiative: Transfers one Office Associate I position and one Office Associate II position
28 from the Office of the State Controller to the Bureau of Human Resources in order to
29 properly place these positions in the program where the duties of these 2 individuals are
30 being performed.

31 GENERAL FUND	2007-08	2008-09
32 POSITIONS - LEGISLATIVE COUNT	2.000	2.000
33 Personal Services	\$93,963	\$97,237

1 transfer \$225,000 in fiscal year 2007-08 and \$1,000,000 in fiscal year 2008-09 from the
 2 Fund for a Healthy Maine to the unappropriated surplus of the General Fund to avoid a
 3 reduction in funds for domestic violence and sexual assault programs.

4 **Sec. HHHH-2. Transfer of funds; Hancock County Drug Court.**
 5 Notwithstanding any other provision of law, the State Controller shall transfer \$150,000
 6 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus
 7 of the General Fund to avoid a reduction in funds for the Hancock County Drug Court.

8 **Sec. HHHH-3. Transfer of funds; HIV/AIDS services.** Notwithstanding any
 9 other provision of law, the State Controller shall transfer \$41,000 in fiscal year 2008-09
 10 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund to
 11 avoid a reduction in funds for agencies providing HIV/AIDS services.

12 **Sec. HHHH-4. Transfer of funds; family planning services.**
 13 Notwithstanding any other provision of law, the State Controller shall transfer \$273,406
 14 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus
 15 of the General Fund to avoid a reduction in funds for agencies providing family planning
 16 services.

17 **Sec. HHHH-5. Appropriations and allocations.** The following appropriations
 18 and allocations are made.

19 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

20 **FHM - Family Planning 0956**

21 Initiative: Provides one-time funds from the Fund for a Healthy Maine for family
 22 planning services to offset a reduction in federal block grant funds.

23	FUND FOR A HEALTHY MAINE	2007-08	2008-09
24	All Other	\$0	\$415,278
25			
26	FUND FOR A HEALTHY MAINE TOTAL	\$0	\$415,278

26 **PART III**

27 **Sec. IIII-1. 20-A MRSA §6602, sub-§1,** as amended by PL 1991, c. 9, Pt. II, §3,
 28 is repealed and the following enacted in its place:

29 **1. Participation.** A public school shall participate in food service programs.

30 A. A public school shall participate in the National School Lunch Program in
 31 accordance with 7 Code of Federal Regulations, Part 210 (2007) and provide Type A
 32 meals as determined by the United States Department of Agriculture.

33 B. A public school that serves breakfast shall provide all students who are eligible
 34 for free and reduced-price meals under paragraph A a meal that meets the
 35 requirements of the federal School Breakfast Program set forth in 7 Code of Federal
 36 Regulations, Part 220 (2007) at no cost to the student. The State shall provide funding

1 equal to the difference between the federal reimbursement for a free breakfast and the
 2 federal reimbursement for a reduced-price breakfast for each student eligible for a
 3 reduced-price breakfast and receiving breakfast.

4 **Sec. IIII-2. 20-A MRSA §6602, sub-§6,** as enacted by PL 1981, c. 693, §§5 and
 5 8, is amended to read:

6 **6. Nutrition report.** The commissioner may assess the nutritional benefits of school
 7 lunch programs and school breakfast programs and report to the state board.

8 **Sec. IIII-3. 22 MRSA §1511, sub-§6, ¶H,** as enacted by PL 1999, c. 401, Pt. V,
 9 §1, is amended to read:

10 H. Comprehensive school health and nutrition programs, including school-based
 11 health centers.

12 **Sec. IIII-4. Appropriations and allocations.** The following appropriations and
 13 allocations are made.

14 **EDUCATION, DEPARTMENT OF**

15 **FHM - School Breakfast Program N034**

16 Initiative: Allocates funds from the Fund for a Healthy Maine to reimburse those public
 17 schools kindergarten to grade 12 that provide breakfast for the amount equal to the
 18 difference between the federal reimbursement for a free breakfast and the federal
 19 reimbursement for a reduced-price breakfast for each student eligible for a reduced-price
 20 breakfast who is receiving breakfast.

22	FUND FOR A HEALTHY MAINE	2007-08	2008-09
23	All Other	\$0	\$178,925
24			
25	FUND FOR A HEALTHY MAINE TOTAL	\$0	\$178,925

27 **EDUCATION, DEPARTMENT OF**

28 **FHM - School Breakfast Program N034**

29 Initiative: Allocates one-time funds from the Fund for a Healthy Maine for system
 30 modifications to allow the Department of Education to reimburse those public schools
 31 that are providing breakfast for the cost of providing free breakfasts to eligible students.

32	FUND FOR A HEALTHY MAINE	2007-08	2008-09
33	All Other	\$0	\$35,000
34			
35	FUND FOR A HEALTHY MAINE TOTAL	\$0	\$35,000

1 **Sec. PPPP-7. Report.** No later than November 5, 2008, the commission shall
2 submit a report that includes its findings and recommendations, including any suggested
3 legislation, for presentation to the Joint Standing Committee on Appropriations and
4 Financial Affairs.

5 **SUMMARY**

6 **PART A**

7 This Part makes appropriations and allocations of funds for the 2008-2009 biennium.

8 **PART B**

9 This Part makes appropriations and allocations of funds for approved reclassifications
10 and range changes.

11 **PART C**

12 This Part provides the funding level for general purpose aid for local schools. It
13 specifies a mill expectation of 6.55 for fiscal year 2008-09; the total cost of funding
14 public education from kindergarten to grade 12, consisting of total operating allocation,
15 total debt service allocation and total adjustments and miscellaneous costs; and the state
16 and local share of those costs.

17 This Part also provides that in implementing the \$500,000 reduction in fiscal year
18 2008-09, the Maine Educational Center for the Deaf and Hard of Hearing and the
19 Governor Baxter School for the Deaf must exhaust all funds carried forward from the
20 2007-08 fiscal year before reducing any educational programs and services provided to
21 students.

22 **PART D**

23 This Part makes appropriations and allocations of funds for initiatives that streamline
24 State Government.

25 **PART E**

26 This Part is associated with the streamlining initiatives in Part D and does the
27 following.

28 1. It authorizes the State Controller and the Treasurer of State to establish an
29 electronic funds transfer system for the purpose of transferring directly into payees'
30 accounts held at accredited financial institutions the payment of any amount or obligation
31 owed by the State.

1 2. It repeals the requirement that the Department of Inland Fisheries and Wildlife
2 provide summaries of fish and wildlife laws with each license or registration purchased,
3 in order to implement proposed changes to the current schedule and method of providing
4 these summaries. It also amends various provisions of law to reflect the repeal of the
5 Maine Revised Statutes, Title 12, section 10103, subsection 7.

6 3. It requires the joint standing committee of the Legislature having jurisdiction over
7 appropriations and financial affairs to review the Office of Program Evaluation and
8 Government Accountability's report and the Office of Fiscal and Program Review's
9 analysis on administrative positions within state agencies and to include its
10 recommendations in the next budget bill following its review.

11 4. It recognizes additional undedicated revenue to the General Fund in fiscal year
12 2008-09 from a new policy implemented by the Treasurer of State that reduces the
13 earnings distribution costs for the Treasurer of State's cash pool by retaining the float
14 earnings bonus for the General Fund.

15 5. It provides that a total of \$60,000 from the legislative General Fund account and
16 \$100,000 from the Office of Program Evaluation and Government Accountability
17 General Fund account within the Legislature lapses to the General Fund in fiscal year
18 2007-08.

19 **PART F**

20 This Part does the following.

21 It increases the base and per unit fees assessed by the Department of Health and
22 Human Services for the licensure of eating establishments, lodging places, recreational
23 camps and camping areas and increases the maximum fee to \$175 and requires all fees
24 collected by the department for this purpose to be deposited into a special revenue fund
25 for licensing and inspection activities.

26 It directs the Department of Health and Human Services and the Department of
27 Agriculture, Food and Rural Resources to redefine the jurisdictions of the 2 departments
28 in the food inspection process to eliminate dual licensing processes.

29 **PART G**

30 This Part provides dedicated funding for the Harness Racing Commission from
31 revenues collected by the commission, the state share of the handle and a portion of slot
32 machine income. Currently the commission is funded out of the General Fund.

33 **PART H**

34 This Part does the following:

35 1. It requires the State Controller to transfer \$500,000 by June 30, 2008 and
36 \$1,117,799 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal

1 5. It requires a \$273,406 transfer from the Fund for a Healthy Maine to the
2 unappropriated surplus of the General Fund in fiscal year 2008-09 to avoid a reduction in
3 funds for agencies that provide family planning services.

4 **PART IIII**

5 This Part provides that the State shall provide funding to reimburse local school units
6 that provide breakfasts to those students eligible for the reduced-price breakfast benefit
7 for the cost of the breakfast that is currently being paid by the student.

8 **PART JJJJ**

9 This Part provides that the Department of Education shall work with the Department
10 of Health and Human Services, the Department of Labor and the Department of
11 Corrections to better coordinate efforts to assist youths with handicaps, 14 years of age or
12 older and under 26 years of age, who are in transition from school to the community.

13 **PART KKKK**

14 This Part requires that any fees associated with the Steve Powell Wildlife
15 Management Area be deposited into a dedicated revenue account. It also authorizes the
16 Commissioner of Inland Fisheries and Wildlife to accept and deposit money from other
17 sources, public or private, into the dedicated revenue account.

18 **PART LLLL**

19 This Part reduces the staff in the Office of Program Evaluation and Government
20 Accountability by 3 positions, leaving 4 positions and some funding for contracted
21 services in place. The Part directs the Director of the Office of Program Evaluation and
22 Government Accountability to work with the joint standing committee of the Legislature
23 having jurisdiction over state and local government matters and the Government
24 Oversight Committee to develop performance standards applicable to the Office of
25 Program Evaluation and Government Accountability and to identify ways to collaborate
26 with other offices and departments, including legislative offices, the State Controller and
27 the State Auditor, to improve the effectiveness and efficiency of its oversight role. The
28 legislative committees must review these recommendations and report to the Legislature
29 on recommended changes to the operation of the Office of Program Evaluation and
30 Government Accountability and the structure of legislative oversight of State
31 Government.

32 **PART MMMM**

33 This Part requires the Commissioner of Health and Human Services to consult with
34 the Court Master in the case of Bates v. Harvey, Kennebec County Superior Court, CV-
35 89-88, regarding proposed administrative staffing changes or changes in administrative

1 position counts at Riverview Psychiatric Center. It also requires the Commissioner of
2 Health and Human Services to provide notice to the joint standing committee of the
3 Legislature having jurisdiction over health and human services matters regarding
4 proposed changes and to report regarding the results of the consultation with the Court
5 Master.

6 **PART NNNN**

7 This Part requires the Commissioner of Health and Human Services to make monthly
8 reports to the Legislature concerning implementing provisions affecting individuals with
9 mental retardation and developmental disabilities.

10 **PART OOOO**

11 This Part includes offsets to deappropriations made in Part A to the Department of
12 Conservation for a Management Analyst I position, to the Department of Defense,
13 Veterans and Emergency Management for the civil air patrol program and to the Judicial
14 Department for indigent defense costs.

15 **PART PPPP**

16 This Part establishes the Commission To Review Short-term and Long-term Costs in
17 the Maine Public Employees Retirement System.

18

FISCAL NOTE REQUIRED
(See attached)