

How to Read a Bill 101

Presented by:

Anna Broome & Erin Dooling, Legislative Analysts

Luke Lazure, Fiscal Analyst



Maine State Legislature

February 4, 2021

Types of legislative instruments

BILLS (ACTS)

RESOLVES

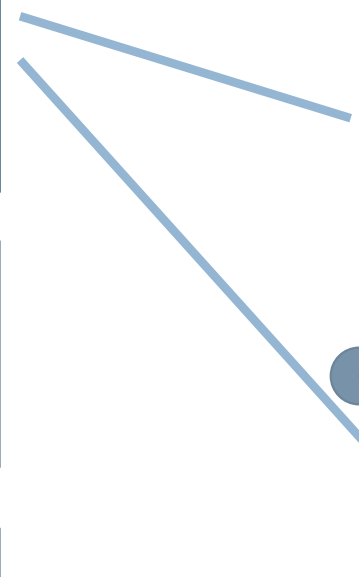
CONSTITUTIONAL RESOLUTIONS

RESOLUTIONS

ORDERS

PUBLIC LAWS

PRIVATE AND SPECIAL LAWS



Major elements of public laws and resolves



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Bills are assigned paper numbers by the body of the bill's sponsor (H.P.=House Paper, S.P.=Senate Paper)

When bills are printed, they are assigned Legislative Document (L.D.) numbers in sequential order from the start of the biennium

Legislative Document

No. 1162

S.P. 383

Indicates whether legislation is a bill (act) or a resolve

In Senate, March 23, 2017

Title of the bill, providing a brief description

An Act to Reduce the Incidence of Obesity and Chronic Disease in Maine

Date bill was first on the calendar

Reference to the Committee on Health and Human Services suggested and ordered printed.

Suggested legislative committee to review and report recommendations on the bill (suggested by the Clerk of the House and Secretary of the Senate)

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative HAMANN of South Portland and
Senators: CHIPMAN of Cumberland, GRATWICK of Penobscot, KATZ of Kennebec,
Representative: HARLOW of Portland

Bill's sponsors and cosponsors

EXAMPLE 1:
First page of
legislation

EXAMPLE 2: Concept draft

LD 238 (128th)

An Act To Amend the Maine Medical Use of Marijuana Act

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to amend the Maine Medical Use of Marijuana Act.

Joint Rule 208. Requirements for Drafting

- Summary of proposed legislation only
- Printed and referred like any other legislation
- Committee must add language in an amendment to report it out of committee

EXAMPLE 3: Public law enacting a new statute

LD 1162 (128th)

Enacting clause

MRSA = Maine Revised Statutes Annotated
(red books)

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

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
Line numbers

Sec. 1. 22 MRSA §3174-ZZ is enacted to read:

§ 3174-ZZ. Medical nutritional therapy; obesity treatment medication; rules

The department shall provide for the reimbursement under the MaineCare program for medical nutritional therapy, including treatment for being overweight, obesity, hypertension, diabetes, pre-diabetes, disorders of lipid metabolism, HIV infection, unintended weight loss in older adults, chronic kidney disease, malnutrition and inappropriate eating habits. Medical nutritional therapy also includes dietary surveillance and counseling. Medical nutritional therapy services may be provided by physicians, licensed dietitians and dietitian nutritionists who practice in hospitals, outpatient settings or private offices.

Underscoring
indicates
language is
being added

The department shall provide for the reimbursement under the MaineCare program for obesity treatment medication.

The department shall adopt rules to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

As used in this section, unless the context otherwise indicates, "dietitian nutritionist" means a provider of medical nutritional therapy and "medical nutritional therapy" means a therapeutic approach to treating medical conditions and their associated symptoms by use of a specifically tailored diet devised and monitored by a physician, a licensed dietitian or a dietitian nutritionist.

SUMMARY

Explanation of what the legislation
does; cannot be amended

This bill provides for reimbursement under the MaineCare program for medical nutritional therapy provided by physicians, licensed dietitians and dietitian nutritionists and reimbursement for obesity treatment medication.

Legislative Request (L.R.) number
assigned by the Revisor's Office upon
receipt of legislative request

Item number assigned by the Revisor's Office to identify
particular documents relating to a legislative request

Page 1 – 128LR0322(01)-1

Remnant of old bill drafting
system; not on newly printed bills

EXAMPLE 4:
Public law
amending
existing statute
(when context is obvious)

LD 1098 (128th)

**An Act To Ensure Reasonable Accommodations for Children for Whom Medical Marijuana
Has Been Recommended**

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

*Amending clause and history line showing title
and section of law being amended*

2 **Sec. 1. 22 MRSA §2426, sub-§1-A**, as enacted by PL 2015, c. 369, §3, is amended to read:

3 **1-A. School exceptions.** Notwithstanding subsection 1, paragraph B, a primary caregiver designated
4 Pursuant to section 2423-A, subsection 1, paragraph E or a medical provider with whom a minor qualifying
5 patient has a bona fide relationship may possess and administer marijuana in a nonsmokeable form in a
6 School bus and on the grounds of the preschool or primary or secondary school in which athe minor
7 Qualifying patient is enrolled only if:

*Technical change by
the Revisor's office*

8 A. A medical provider has provided the minor qualifying patient with a current written certification for
9 the medical use of marijuana under this chapter; and

10 B. Possession of marijuana in a nonsmokeable form is for the purpose of administering marijuana in a
11 nonsmokeable form to the minor qualifying patient.

12 **SUMMARY**

13 Current law allows the primary caregiver of a child for whom medical marijuana has been recommended
14 to possess and administer the marijuana on school grounds. This bill allows a medical provider with whom
15 the child has a bona fide relationship to possess and administer marijuana on school grounds.

EXAMPLE 5:
Public law
amending
existing statute
(when context is not obvious)

LD 477 (128th)



An Act To Prevent Long-term Welfare Dependency

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

2 **Sec. 1. 22 MRSA §3763, sub-§8,** as amended by PL 2005, c. 522, §1, is further amended to read:

3 **8. Alternative aid.** The department shall provide alternative aid to applicants who seek short-term
4 assistance in order to obtain or retain employment. The applicants must meet the eligibility requirements
5 established by rule adopted pursuant to section 3762, subsection 3, paragraph A. The department shall adopt
6 rules requiring an applicant for alternative aid who is seeking to obtain employment to participate in job
7 search activities consistent with the job search activities for participants of the ASPIRE-TANF program
8 adopted pursuant to section 3788, subsection 9. The alternative aid may not exceed 3 times the value of the
9 monthly TANF grant for which the applicant's family is eligible. An eligible applicant may receive alternative
10 aid no more than once during any 12-month period. If the family reapplies for TANF within 3 months of
11 receiving alternative aid, the family shall repay any alternative aid received in excess of the amount that the
12 family would have received on TANF. The method of repayment must be the same as that used for the
13 repayment of unintentional overpayments in the TANF program.

14

SUMMARY

15 This bill requires the Department of Health and Human Services to adopt rules requiring unemployed
16 applicants for alternative aid who are seeking employment to participate in job search activities that are
17 consistent with the job search activities for participants of the ASPIRE-TANF program.

EXAMPLE 6:
Public law
repealing
existing statute

LD 1425 (128th)

An Act To Repeal the Laws Governing the Mental Health Homicide, Suicide and Aggravated Assault Review Board

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

2 **Sec. 1. 34-B MRSA §1207, sub-§1, ¶B-3**, as amended by PL 2015, c. 329, Pt. A, §22, is further
3 amended to read:

4 B-3. Information may be disclosed if necessary to carry out the statutory functions of the
5 department; the hospitalization provisions of chapter 3, subchapter 4; ~~the provisions of section~~
6 ~~1931~~; the purposes of section 3608; the purposes of Title 5, section 19506; the purposes of
7 United States Public Law 99-319, dealing with the investigatory function of the independent
8 agency designated with advocacy and investigatory functions under United States Public Law
9 88-164, Title I, Part C or United States Public Law 99-319; or the investigation and hearing
10 pursuant to Title 15, section 393, subsection 4-A. This paragraph takes effect August 1, 2017;

Strikethrough indicates x-ref is being repealed

11 **Sec. 2. 34-B MRSA c. 1, sub-c. 7**, as amended, is repealed.

Amending clause indicates law is being repealed (sub-c. 7 is §1931)



SUMMARY

13 This bill repeals the Mental Health Homicide, Suicide and Aggravated Assault Review Board.
14 This board is no longer active.

Sections of bills affecting a title, section or subsection of the MRSA are arranged in ascending numerical order

An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance



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

2 Sec. 1. 25 MRSA §2453, as amended by PL 2001, c. 31, §1, is repealed and the following enacted in its place:

3 **§ 2453. Fire escapes; appeals** *Headnote; this is not law*

4 **1. Certain buildings; more than one way of egress.** Each story above the first story of a building used as a schoolhouse,
5 orphan asylum, hospital for the mentally ill, reformatory, opera house, hall for public assemblies, hotel or tenement house
6 occupied by more than 2 families or store in which more than 10 persons are employed above the first story must be provided
7 with more than one way of egress, by stairways on the inside or fire escapes on the outside of such a building. The stairways and
8 fire escapes must be constructed, in a number or of a size and in a location so as to give reasonably safe, adequate and convenient
9 means of exit, in view of the number of persons who may need to use the stairway or fire escape, must at all times be kept free
10 from obstruction and must be accessible from each room in each story above the first story.

11 **2. Apartment building; single exit permitted with sprinkler system.** Any apartment building of 3 stories or less in its
12 entirety is permitted to have a single exit under the condition that the building is protected throughout by an approved automatic
13 sprinkler system and meets the requirements of the applicable chapter of the National Fire Protection Association Life Safety
14 Code 101 and every sleeping room has a second means of escape.

15 **3. Commissioner approval of fire escape or alarm system.** An individual, partnership or corporation may not offer for
16 sale in this State any type of fire escape device or fire alarm system without first securing approval of the Commissioner of
17 Public Safety.

18 **4. Order of the commissioner.** A person or corporation aggrieved by an order of the Commissioner of Public Safety
19 issued under this section may appeal to the Superior Court by filing within 30 days from the effective date of the order a
20 complaint. The court shall fix a time and place of hearing and cause notice of the time and place to be given to the
21 commissioner. After the hearing, the court may affirm or reverse in full or in part an order of the commissioner, and the decision
22 of the court is final. If the commissioner, in the interest of public safety and because the commissioner determines there is
23 immediate danger, forbids the use of a building for any public purpose until satisfactory compliance with the commissioner's
24 order, the order becomes effective immediately and the filing of the complaint may not operate as a stay.

25 **5. Violation.** A violation of this section by a person, firm or organization is a civil violation punishable by a fine of not
26 more than \$500.

27

SUMMARY

28 This bill provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of
29 fire escapes commits a civil violation for which a fine of not more than \$500 may be assessed.

EXAMPLE 7:
Public law
repealing and
replacing a
statute

LD 1326 (123rd)

§ 2453. Fire escapes; appeals

*Identical to sub-§1
of the bill*

Each story above the first story of a building used as a schoolhouse, orphan asylum, hospital for the mentally ill, reformatory, opera house, hall for public assemblies, hotel or tenement house occupied by more than 2 families or store in which more than 10 persons are employed above the first story must be provided with more than one way of egress, by stairways on the inside or fire escapes on the outside of such a building. The stairways and fire escapes must be constructed, in a number or of a size and in a location so as to give reasonably safe, adequate and convenient means of exit, in view of the number of persons who may need to use the stairway or fire escape, must at all times be kept free from obstruction and must be accessible from each room in each story above the first story.

*Identical to sub-§2
of the bill*

Any apartment building of 3 stories or less in its entirety is permitted to have a single exit under the condition that the building is protected throughout by an approved automatic sprinkler system and meets the requirements of the applicable chapter of the National Fire Protection Association Life Safety Code 101 and every sleeping room has a second means of escape.

*Identical to sub-§3
of the bill*

An individual, partnership or corporation may not offer for sale in this State any type of fire escape device or fire alarm system without first securing approval of the Commissioner of Public Safety.

*Identical to sub-§4
of the bill*

A person or corporation aggrieved by an order of the Commissioner of Public Safety issued under this section may appeal to the Superior Court by filing within 30 days from the effective date of the order a complaint. The court shall fix a time and place of hearing and cause notice of the time and place to be given to the commissioner. After the hearing, the court may affirm or reverse in full or in part an order of the commissioner, and the decision of the court is final. If the commissioner, in the interest of public safety and because the commissioner determines there is immediate danger, forbids the use of a building for any public purpose until satisfactory compliance with the commissioner's order, the order becomes effective immediately and the filing of the complaint may not operate as a stay.

EXAMPLE 8: Public law with unallocated language

LD 401 (128th)

An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

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

2 **Sec. 1. 22 MRSA §3174-ZZ** is enacted to read:

3 **§ 3174-ZZ. Reimbursement for days awaiting placement; reimbursement for hospitals other than**
4 **critical access hospitals**

*Allocated
language*

5 The department shall provide reimbursement to hospitals other than critical access hospitals for each day
6 after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in
7 a nursing facility. The department shall reimburse hospitals prospectively at the statewide average rate per
8 MaineCare member day for nursing facility services. The department shall compute the statewide average rate
9 per MaineCare member day based on the simple average of the nursing facility rate per MaineCare member
10 day for the applicable state fiscal year or years prorated for the hospital's fiscal year. Reimbursement for days
11 awaiting placement pursuant to this section is limited to a period of 5 years and to a maximum of \$500,000 of
12 combined General Fund funds and federal funds for each year of the 5-year period. For purposes of this
13 section, "critical access hospital" has the same meaning as in section 7932, subsection 10.

*Unallocated
language*

- *Not underlined because not allocated in MRSA*
- *Published in Laws of the State of Maine*
- *Short-term, limited duration*
- *Has force of law*

14 **Sec. 2. MaineCare Benefits Manual.** The Department of Health and Human Services shall amend the
15 rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45, Hospital Services to
16 implement the Maine Revised Statutes, Title 22, section 3174-ZZ. **Rules adopted pursuant to this section are**
17 **routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.**

Rulemaking language

SUMMARY

18
19 This bill directs the Department of Health and Human Services to provide reimbursement to hospitals
20 other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in
21 the care of a hospital while awaiting placement in a nursing facility. The reimbursement is to be paid
22 prospectively at the statewide average rate per MaineCare member day for nursing facility services. The
23 department is directed to implement this reimbursement for days awaiting placement for a period limited to 5
24 years. Reimbursement is limited to a maximum of \$500,000 of combined General Fund funds and federal
25 funds for each year of the 5-year period.

EXAMPLE 9:
Public law with
an emergency
preamble
(selected portion)

LD 1000 (129th)

Always goes immediately after
the title (or after another type of
preamble, if applicable)

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019

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

Standard
form;
required

Background
facts
justifying
emergency
enactment

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

4 **Whereas,** certain obligations and expenses incident to the operation of state departments and institutions
5 will become due and payable immediately; and

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

Standard
form;
required

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

Indicates when the
legislation becomes effective

[BILL TEXT HERE]

32 **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when
33 approved.

Maine Constitution, Art. IV, Part 3, §16

Section 16. Acts become effective in 90 days after recess; exception; emergency bill defined. No Act or joint resolution of the Legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until 90 days after the recess of the session of the Legislature in which it was passed, unless in case of emergency, which with the facts constituting the emergency shall be expressed in the preamble of the Act, the Legislature shall, by a vote of 2/3 of all the members elected to each House, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than 5 years of real estate.

EXAMPLE 10:
Public law with a
mandate
preamble
(selected portion)

LD 609 (126th)

Always goes immediately after the title

Act To Increase Suicide Awareness and Prevention in Maine Public Schools

1 **Mandate preamble.** This measure requires one or more local units of government to expand or modify
2 activities so as to necessitate 17 additional expenditures from local revenues but does not provide funding for at
3 least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the
4 members elected to each House have determined it necessary to enact this measure.

*Standard
form;
required*

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

[BILL TEXT HERE]

Maine Constitution, Art. IX, §21

Section 21. State mandates. For the purpose of more fairly apportioning the cost of government and providing local property tax relief, the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from State funds not previously appropriated to that local unit of government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House. This section must be liberally construed.

EXAMPLE 11:
Public law with
an appropriations
and allocations
section

LD 230 (128th)

An Act To Increase Access to Head Start

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

2 **Sec. 1. Appropriations and allocations.** The following appropriations and allocations are made.

3 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

4 **Head Start 0545** ← *Account*

5 Initiative: **Appropriates** funds for the delivery of Head Start services.

7 **GENERAL FUND**
8 All Other

2017-18 2018-19
\$2,575,000 \$2,575,000

10 GENERAL FUND TOTAL

\$2,575,000 \$2,575,000

SUMMARY

12 This bill provides funding for the delivery of Head Start services.

*Authorizations
of expenditures
from the GF*

*Authorizations
of non-GF
resources*

*State agency
being affected*

*Summary of what is being directed with the
funds (a/k/a "blippie"); has force of law*

Years affected

Amount of funds

Type of funds

EXAMPLE 13: Resolve

LD 613 (129th)

Resolve, Concerning the Adoption of Rules To Carry Out the Purpose of the Bridging Rental Assistance Program

1 **Sec. 1. Adoption of rules. Resolved:** That, by January 1, 2020, the Department of Health and Human
2 Services shall adopt rules pursuant to the Maine Revised Statutes, Title 34-B, section 3011 for the Bridging
3 Rental Assistance Program in order to ensure fairness, equity and access to the program for those persons with
4 mental illness who qualify for the program.

5 **Sec. 2. Delay in adoption of rules. Resolved:** That if the Department of Health and Human Services
6 anticipates a delay in the adoption of rules under section 1, the department shall submit a report by January 1,
7 2020 to the Joint Standing Committee on Health and Human Services detailing the reason for the delay and the
8 progress made.

SUMMARY

10 This resolve directs the Department of Health and Human Services to adopt rules for the Bridging Rental
11 Assistance Program in order to ensure fairness, equity and access to the program for those persons with mental
12 illness who qualify for the program. The department is required to submit a report to the Joint Standing
13 Committee on Health and Human Services if the department anticipates a delay in the adoption of the rules.

*Headnote briefly
indicates the subject
content (not law)*

An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes

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

2 Sec. 1. Annual cost-of-living adjustment. The Department of Health and Human Services shall amend its rules in
3 Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2, Adult Family Care Services and Chapter III, Section 97,
4 Appendix C: Principles of Reimbursement for Medical and Remedial Service Facilities and in the department's rule
5 Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs to provide for ongoing,
6 annual rate changes to adjust for inflation. For the state fiscal year ending June 30, 2018, the amount of the adjustment is
7 4%. For each year thereafter, the department shall set the inflation adjustment cost-of-living percentage change in
8 reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price
9 Index medical care services index.

10 Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

11 HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

12 Medical Care - Payments to Providers 0147

13 Initiative: Provides funds for a 4% cost-of-living rate increase for residential care facilities and MaineCare Appendix C private nonmedical institutions **for the state fiscal year ending June 30, 2018** and a projected Consumer Price Index adjustment **for the state fiscal year ending June 30, 2019.**

14 GENERAL FUND	2017-18	2018-19
15 All Other	\$2,384,832	\$3,434,159
16	<i>Time limited</i>	
17 GENERAL FUND TOTAL	<hr/>	<hr/>
	\$2,384,832	\$3,434,159
18 FEDERAL EXPENDITURES FUND	2017-18	2018-19
19 All Other	\$5,353,409	\$7,708,909
20	<hr/>	<hr/>
21 FEDERAL EXPENDITURES TOTAL	\$5,353,409	\$7,708,909

Type of funds

EXAMPLE 14:
Resolve with an
appropriations
and allocations
section

LD 1188 (128th)

Page 1 of 3

EXAMPLE 14: Resolve with an appropriations and allocations section

LD 1188 (128th)

Page 2 of 3

Line numbers re-start
on every new page

1	OTHER SPECIAL REVENUE FUNDS	<i>Type of funds</i>	2017-18	2018-19
2	All Other		\$544,970	\$786,032
3				
4	OTHER SPECIAL REVENUE FUNDS TOTAL		<hr/>	<hr/>
			\$544,970	\$786,032
5	Medical Care - Payments to Providers 0147	<i>Same account as on Page 1, but with different initiative language</i>		
6	Initiative: Provides funds for a 4% cost-of-living rate increase for adult family care homes that are providing service			
7	pursuant to Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2 for the state fiscal year ending June 30, 2018			
8	and a projected Consumer Price Index adjustment for the state fiscal year ending June 30, 2019			
9	GENERAL FUND		2017-18	2018-19
10	All Other		\$129,199	\$186,047
11				
12	GENERAL FUND TOTAL		<hr/>	<hr/>
			\$129,199	\$186,047
13	FEDERAL EXPENDITURES FUND		2017-18	2018-19
14	All Other		\$233,933	\$336,863
15				
16	FEDERAL EXPENDITURES TOTAL		<hr/>	<hr/>
			\$233,933	\$336,863
17	PNMI Room and Board Z009			
18	Initiative: Provides funds for a 4% cost-of-living rate increase for residential care facilities and MaineCare Appendix C			
19	private nonmedical institutions for the state fiscal year ending June 30, 2018 and a projected Consumer Price Index			
20	adjustment for the state fiscal year ending June 30, 2019			
21	GENERAL FUND		2017-18	2018-19
22	All Other		\$740,599	\$1,006,463
23				
24	GENERAL FUND TOTAL		<hr/>	<hr/>
			\$740,599	\$1,066,463

EXAMPLE 14:
Resolve with an
appropriations
and allocations
section

LD 1188 (128th)

Page 3 of 3

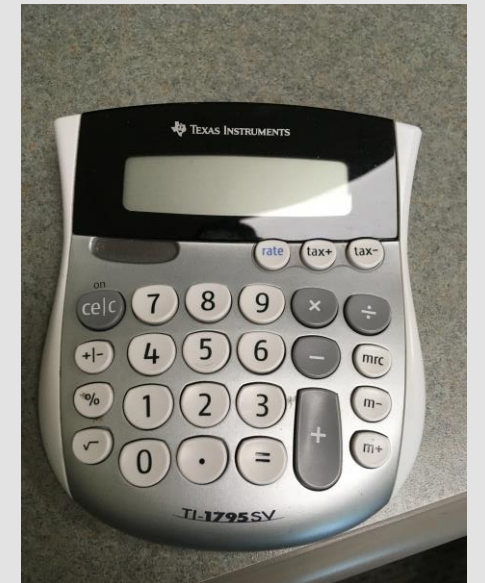
Total cost of legislation

1	HEALTH AND HUMAN SERVICES,		
2	DEPARTMENT OF (FORMERLY DHS)		
3	DEPARTMENT TOTALS	2017-18	2018-19
4	GENERAL FUND	\$3,254,630	\$4,686,669
5	FEDERAL EXPENDITURES FUND	\$5,587,342	\$8,045,772
6	OTHER SPECIAL REVENUE FUNDS	\$544,970	\$786,032
7			
8	DEPARTMENT TOTAL – ALL FUNDS	\$9,386,942	\$13,518,473

9 **SUMMARY**

10 This bill provides funds to the Department of Health and Human Services to give adult family care homes, residential
11 care facilities and certain private nonmedical institutions a 4% cost-of-living rate increase for the state fiscal year ending
12 June 30, 2018 and an additional cost-of-living increase for the state fiscal year ending June 30, 2019 based on a projected
13 increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services
14 index. Annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the
15 United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

Fiscal notes



What is a fiscal note?

- A 1-2 page memorandum issued by the OFPR describing the fiscal impact of a bill or an amendment on State Government and local units of government
- They are not “dynamic,” meaning that they do not project potential impacts to the entire State (only to State governmental costs)
- Purposes:
 - Promote informed decisions by legislators by providing cost and revenue effects
 - Describe adequate funding for a program.
 - May add an appropriation/allocation section in a bill
 - Compliance with balanced budget requirements
 - Inform state agencies, local units of government, public, press and others
- Required by Joint Rule 312

Joint Rule 312

Rule 312. Fiscal Notes.

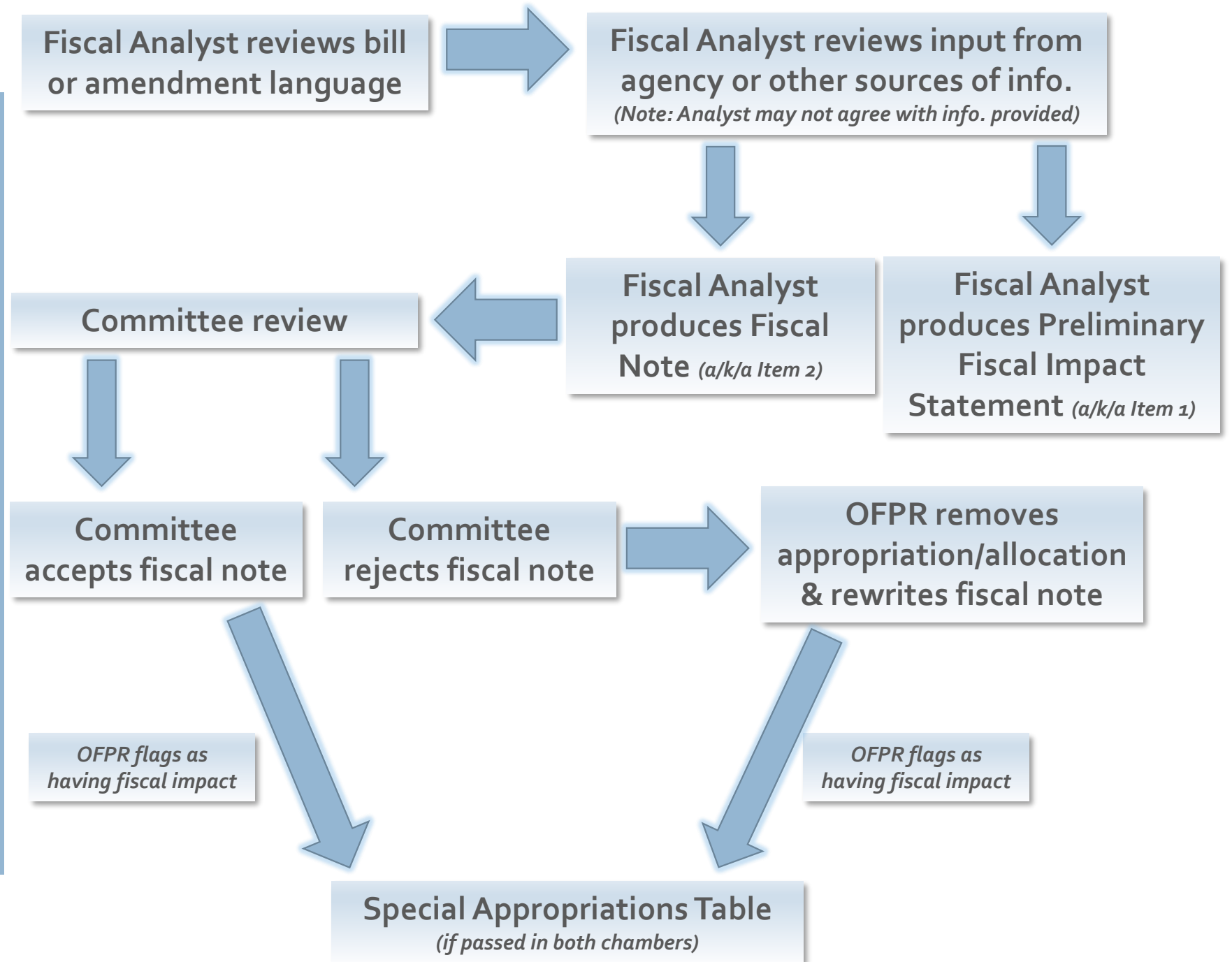
Every bill or resolve that affects state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than "Leave to Withdraw," "Ought Not to Pass" or "Referral to Another Committee" must include a fiscal note prepared by the Office of Fiscal and Program Review. For a bill or resolve not yet reported out and upon request of a majority of the committee, the Office of Fiscal and Program Review shall, after notice by the committee to the sponsor of the bill or resolve, meet with the committee at a work session to present its analysis and provide copies of the written public materials relied upon by the office to prepare that fiscal note. The fiscal note must accompany the committee report before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

-
- Every bill or resolve voted favorably out of committee that affects state revenues, appropriations or allocations or that is a mandate on local governments must include a fiscal note prepared by OFPR
 - Any amendment must also include a fiscal note
 - OFPR has sole responsibility for preparing all fiscal notes
 - An LD lacking a fiscal note on the floor can be ruled “out of order” by the Presiding Officer
 - Note: OFPR is not required to prepare a preliminary fiscal impact statement for every bill

Types of funds; timing

- General Fund (GF) and Highway Fund (HF) are scored and tracked for cumulative balances
- For the purposes of deciding which bills go to the table and are tracked, Fund for a Healthy Maine (FHM) is treated like the GF
- Fiscal notes consider other funds and those impacts are described, but OFPR does not track whether there's enough in the fund to handle the proposed legislation cost
- Timing of the fiscal impact can be current or future
 - Current=2-3 years; Future=2

Process and mechanics related to committee work



Sources of Information considered in developing a Fiscal Note

- Affected agencies
- Testimony from public hearing
- Maine legislators
- Legislative staff
- Proponents/opponents
- General public
- Local government sources
- Other states
- Internet
- Federal government
- National organizations (NCSL, CSG)
- Accounting system, data warehouse, Budget Management System

Special Appropriations Table

Which bills go to the Table?

- Bills that include GF appropriations
- Bills that include GF deappropriations
- Bills that include FHM allocations
- Bills that include FHM deallocations
- Bills that reduce GF revenue
- Bills that increase future GF costs or reduce future GF revenue

Why?

- Provides more formal method of tracking aggregate fiscal impact of all bills
- Places decision for bills with GF impact in AFA committee
- Allows priorities to be set without regard for chronological order
- Table resolution occurs after budget is passed so financial resources are known

Role of the Senate

- Created by Senate Order; House has no formal role
- Bills set aside just before final enactment in Senate, which means bodies already voted favorably on engrossed version
- Already enacted in the House

An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Malaby of Hancock

Committee: Health and Human Services

Fiscal Note Required: Yes

EXAMPLE:
Preliminary Fiscal
Impact Statement

LD 1188 (128th)

Preliminary Fiscal Impact Statement

	Current		Future	
	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$3,254,630	\$4,686,669	\$6,392,460	\$8,695,972
Appropriations/Allocations				
General Fund	\$3,254,630	\$4,686,669	\$6,392,460	\$8,695,972
Federal Expenditures Fund	\$5,587,342	\$8,045,772	\$10,800,494	\$14,692,437
Other Special Revenue Funds	\$544,970	\$786,032	\$1,053,344	\$1,432,915
Revenue				
Federal Expenditures Fund	\$5,587,342	\$8,045,772	\$10,800,494	\$14,692,437
Other Special Revenue Funds	\$544,970	\$786,032	\$1,053,344	\$1,432,915

Net cost = total impact to GF

Identical to total of the appropriations and allocations section in legislation

Most revenue in HHS context is federal funding

Most OSR in HHS context is from provider taxes

Fiscal Detail and Notes

The bill includes **General Fund** appropriations to the Department of Health and Human Services of **\$3,254,630 in fiscal year 2017-18 and \$4,686,669 in fiscal year 2018-19** for a 4% cost-of-living rate increase for adult family care homes and Appendix C private non-medical institutions for the state fiscal year ending June 30, 2018 and a projected Consumer Price Index adjustment for the state fiscal year ending June 30, 2019. The bill also includes Federal Expenditures Fund and Other Special Revenue Funds allocations.

A more current estimate would decrease the FY 2017-18 General Fund appropriation by \$1,377,959 to \$1,876,671 and the FY 2018-19 General Fund appropriation by \$509,127 to \$4,177,542.

The summary of a committee amendment summarizes the changes made from the original bill

Note: A committee amendment removed from the bill the 4% increase in fiscal year 2017-18 for reimbursement for adult family care homes, residential care facilities and certain private nonmedical institutions. It included a reimbursement increase of 2.1% in fiscal year 2018-19. It established an annual increase beginning in fiscal year 2019-20 using the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Long-Term Care Hospital Market Basket change as published in the Federal Register.

Item number – Item 02 and subsequent are always the Fiscal notes for committee amendments or floor amendments

EXAMPLE 1: Fiscal Note with quantifiable appropriations and allocations

128th MAINE LEGISLATURE

LD 1188

LR 96(02)

An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$1,075,102	\$2,643,217	\$4,258,375
Appropriations/Allocations				
General Fund	\$0	\$1,075,102	\$2,643,217	\$4,258,375
Federal Expenditures Fund	\$0	\$1,816,460	\$4,465,895	\$7,194,814
Other Special Revenue Funds	\$0	\$177,155	\$435,547	\$701,692
Revenue				
Federal Expenditures Fund	\$0	\$1,816,460	\$4,465,895	\$7,194,814
Other Special Revenue Funds	\$0	\$177,155	\$435,547	\$701,692

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$1,075,102 in fiscal year 2018-19 for a 2.1% cost-of-living rate increase for adult family care homes and Appendix C private non-medical institutions for the state fiscal year ending June 30, 2019. The bill also includes Federal Expenditures Fund for the FMAP and Other Special Revenue Funds allocations for the service provider tax.

The fiscal note describes what the proposed impact of the legislation is, not what has changed from previous iterations of the legislation (Compare committee amendment summaries and fiscal notes on floor amendments)

LD 1188 (128th)

EXAMPLE 2:
Fiscal Note
without
quantifiable
appropriations
and allocations

LD 1313 (129th)

129th MAINE LEGISLATURE

LD 1313

LR 351(02)

An Act To Enact the Maine Death with Dignity Act

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

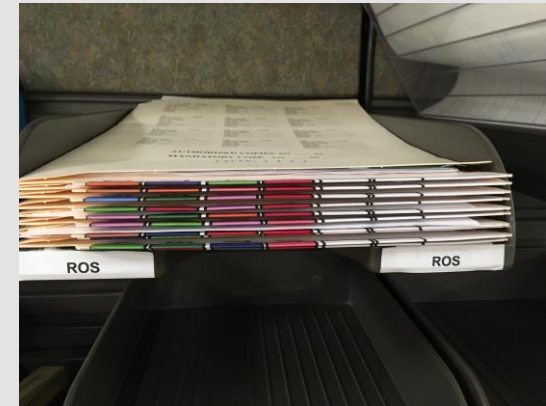
Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.

Committee Amendments



Example 1:
Amendment to
strike and
replace
(selected portion)

LD 765 (129TH)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Date:

Will receive a date assigned by the Clerk or the Secretary after the amendment is reported out of committee

L.D. 765
(Filing No. H-)

Will receive a filing number assigned by the Clerk or the Secretary after the amendment is reported out of committee

HEALTH AND HUMAN SERVICES

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

STATE OF MAINE

HOUSE OF REPRESENTATIVES

Will receive a letter assigned by the Clerk or the Secretary after the amendment is reported out of committee

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to H.P. 570, L.D. 765, “Resolve, To Revise Asset Limits for Social Service Programs”

Amend the resolve by **striking out the title and substituting the following:**

‘Resolve, To Review Asset Limits for Social Service Programs’

Amend the resolve by **striking out everything after the title and inserting the following:**

‘Sec. 1 Department of Health and Human Services to examine asset limits. Resolved: That the Department of Health and Human Services shall convene a stakeholder group to examine the asset limits for eligibility that are applied to the elderly low-cost drug program pursuant to the Maine Revised Statutes, Title 22, section 254-D, the Medicare savings program established in department Rule Chapter 332, the Temporary Assistance for Needy Families program under Title 22, chapter 1053-B and the statewide food supplement program established in Title 22, section 3104 and under department Rule Chapter 301. The department and stakeholder group shall examine asset limits to determine if they meet the appropriate missions of the programs or present barriers and shall determine compliance with federal laws and guidelines. The department shall submit a report, no later than December 1, 2019, to the Joint Standing Committee on Health and Human Services with its findings, legislative recommendations and any rulemaking activities related to asset limits. The committee is authorized to report out legislation relating to the report in the Second Regular Session of the 129th Legislature.’

Saves us from renumbering or relettering!

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Example 2:
Amendment to
replace and add
language
(selected portion)

LD 192 (129th)

Original Bill

2 **Sec. 1. 22 MRSA §4010-D** is enacted to read:

3 § 4010-D. Child welfare advisory panel; annual report

4 By January 1, 2020 and annually thereafter, the department shall submit a report
5 to the joint standing committee of the Legislature having jurisdiction over health and human
6 services matters on the activities of and reports produced by the child welfare advisory
7 panel formed pursuant to the federal Children's Justice Act, 42 United States Code,
8 Section 5106a to make policy and training recommendations for system improvements in
9 the investigative, administrative and judicial handling of child abuse, neglect and
10 exploitation cases and child maltreatment-related fatalities.

OPLA mark-up of bill following Work Session

2 **Sec. 1. 22 MRSA §4010-D** is enacted to read:

3 § 4010-D. Child welfare advisory panel; annual report

4 ~~By January 1, 2020 and annually thereafter, the~~ The department shall submit a report annually
5 to the joint standing committee of the Legislature having jurisdiction over health and human
6 services matters on the activities of and reports produced by the child welfare advisory
7 panel formed pursuant to the federal Children's Justice Act, 42 United States Code,
8 Section 5106a to make policy and training recommendations for system improvements in
9 the investigative, administrative and judicial handling of child abuse, neglect and
10 exploitation cases and child maltreatment-related fatalities.

Committee Amendment

11 Amend the bill in section 1 in §4010-D in the first paragraph in the first line (page 1,
12 line 4 in L.D.) **by striking out the following:** "By January 1, 2020 and annually thereafter,
13 the" **and inserting the following:** "The"

14 Amend the bill in section 1 in §4010-D in the first paragraph in the first line (page 1,
15 line 4 in L.D.) **by inserting after the following:** "report" **the following:** "annually"

*This is how the substance of
the amendment will look
when it's in its final form*

Legislation that has
become law



Example 1: Public Law enacted by the Legislature

P.L. 2019, ch. 566

Citation to odd-numbered year corresponding with the first year of the biennium

Date signed by Governor; effective 90 days after adjournment

APPROVED
FEBRUARY 21, 2020
BY GOVERNOR

CHAPTER
566
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY

Bills are assigned paper numbers by the body of the bill's sponsor (H.P.=House Paper, S.P.=Senate Paper)

H.P. 1349 – L.D. 1883

When bills are printed, they are assigned Legislative Document (L.D.) numbers in sequential order from the start of the biennium

Chapter numbers assigned by Engrossing Division of Revisor's Office upon enactment of the public law

An Act Regarding the Recommendations of the Federal Traumatic Brain Injury State Partnership Program Concerning the Membership of the Acquired Brain Injury Advisory Council

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

Sec. 1. **34-B MRSA §19001, sub-§4**, as enacted by PL 2007, c. 239, §2, is amended to read:

4. Membership. The commissioner shall appoint ~~16~~25 persons to serve as members of the council and shall annually appoint one person to serve as chair. Members serve 2-year terms. Members must represent the following persons and interests:

- A. ~~Two~~Five members with acquired brain injuries must represent persons with acquired brain injuries;
- B. ~~Two~~Five members must represent families of persons with acquired brain injuries;
- C. Two members must represent advocates for persons with acquired brain injuries;
- D. Five members must represent providers of services to persons with acquired brain injuries; ~~and~~
- E. Five members must represent state agencies with expertise in the areas of education, employment, prevention of brain injuries, homelessness, corrections and services to veterans. Members of the council who represent state agencies serve ex officio, without the right to vote, and shall provide data, information and expertise to the council;
- F. One member must represent an aging and disability resource center;
- G. One member must represent a center for independent living; and
- H. One member must be the long-term care ombudsman under Title 22, section 5107-A or a representative of the long-term care ombudsman.

Example 2:
Resolve finally
passed by the
Legislature

Resolves 2019, ch. 130

*Citation to odd-numbered year corresponding
with the first year of the biennium*

APPROVED
MARCH 18, 2020
BY GOVERNOR

CHAPTER
130
RESOLVES

*Chapter numbers assigned by
Engrossing Division of Revisor's Office
upon final passage of the resolve*

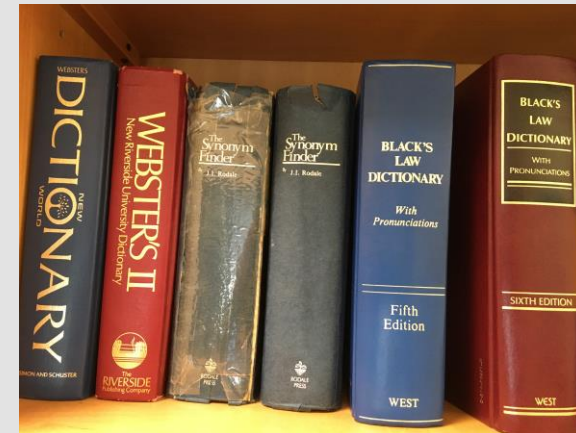
STATE OF MAINE
—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY

H.P. 1469 – L.D. 2068

Resolve, Regarding Legislative Review of Portions of Chapter 15: Death with Dignity Act Reporting Rule, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

Sec. 1 Adoption. Resolved: That final adoption of portions of Chapter 15: Death with Dignity Act Reporting Rule, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

Terminology



Selected glossary of drafting terms from the Maine Legislative Drafting Manual

- **Allocated language**: section of a public law bill that are of general or long-lasting application are almost always placed somewhere in the existing statutory framework
- **Allocation**: authorizes expenditures from non-General Fund resources because resources are already designated for a particular purpose
- **Appropriation**: authorizes expenditures from the General Fund
- **Blippie**: informal term for initiative language in appropriations and allocations sections
- **Initiative**: description of the appropriation and allocation and the purposes for which the money is to be used
- **Unallocated language**: Temporary provisions of a public law bill or housekeeping provisions are published in the Laws of the State of Maine but are not included in the Maine Revised Statutes