

PLEASE NOTE: Legislative Information cannot perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

'An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves 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,

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

PART A

Sec. A-1. Department to increase wages at state mental health institutions. The Department of Health and Human Services shall increase wages for select personnel at the state mental health institutions. Wages must be increased by \$2 per hour for all Acuity Specialist positions, Licensed Practical Nurse positions, Mental Health Worker I positions, Mental Health Worker II positions and Mental Health Worker III positions. Wages must be increased by \$4 per hour for all Nurse I positions, Hospital Nurse II positions, Hospital Nurse III positions, Hospital Nurse IV positions, Psychologist III positions and Psychologist IV positions.

Sec. A-2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

SP0647, LD 1606, item 2, 127th Maine State Legislature , Amendment C "A", Filing Number S-464, Sponsored by
 'An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional
 Supplemental Appropriations and Allocations for the Expenditures of State Government, General
 Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper
 Operation of State Government for the Fiscal Year Ending June 30, 2016 and June 30, 2017
 Initiative: Provides funds to increase wages by \$4 per hour for all Nurse I positions, Hospital Nurse
 II positions, Hospital Nurse III positions, Hospital Nurse IV positions, Psychologist III positions and
 Psychologist IV positions at the state mental health institutions.

| GENERAL FUND | 2015-16 | 2016-17 |
|---------------------------|----------------|------------------|
| Personal Services | \$0 | \$231,112 |
| GENERAL FUND TOTAL | \$0 | \$231,112 |

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Provides funds to increase wages by \$2 per hour for all Acuity Specialist positions, Licensed
 Practical Nurse positions, Mental Health Worker I positions, Mental Health Worker II positions and
 Mental Health Worker III positions at the state mental health institutions.

| GENERAL FUND | 2015-16 | 2016-17 |
|---------------------------|----------------|-----------------|
| Personal Services | \$0 | \$77,625 |
| GENERAL FUND TOTAL | \$0 | \$77,625 |

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funds to increase wages by \$2 per hour for all Acuity Specialist positions, Licensed
 Practical Nurse positions, Mental Health Worker I positions, Mental Health Worker II positions and
 Mental Health Worker III positions at the state mental health institutions.

| GENERAL FUND | 2015-16 | 2016-17 |
|---------------------------|----------------|------------------|
| Personal Services | \$0 | \$318,317 |
| GENERAL FUND TOTAL | \$0 | \$318,317 |

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funds to increase wages by \$4 per hour for all Nurse I positions, Hospital Nurse
 II positions, Hospital Nurse III positions, Hospital Nurse IV positions, Psychologist III positions and
 Psychologist IV positions at the state mental health institutions.

| GENERAL FUND | 2015-16 | 2016-17 |
|---------------------------|----------------|------------------|
| Personal Services | \$0 | \$304,229 |
| GENERAL FUND TOTAL | \$0 | \$304,229 |

Dorothea Dix Psychiatric Center 0120

Initiative: Provides funds to increase wages by \$4 per hour for all Nurse I positions, Hospital Nurse II positions, Hospital Nurse III positions, Hospital Nurse IV positions, Psychologist III positions and Psychologist IV positions at the state mental health institutions.

| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
|--|----------------|------------------|
| Personal Services | \$0 | \$410,019 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | \$410,019 |

Dorothea Dix Psychiatric Center 0120

Initiative: Provides funds to increase wages by \$2 per hour for all Acuity Specialist positions, Licensed Practical Nurse positions, Mental Health Worker I positions, Mental Health Worker II positions and Mental Health Worker III positions at the state mental health institutions.

| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
|--|----------------|------------------|
| Personal Services | \$0 | \$137,717 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | \$137,717 |

Riverview Psychiatric Center 0105

Initiative: Provides funds to increase wages by \$4 per hour for all Nurse I positions, Hospital Nurse II positions, Hospital Nurse III positions, Hospital Nurse IV positions, Psychologist III positions and Psychologist IV positions at the state mental health institutions.

| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
|--|----------------|------------------|
| Personal Services | \$0 | \$539,739 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | \$539,739 |

Riverview Psychiatric Center 0105

Initiative: Provides funds to increase wages by \$2 per hour for all Acuity Specialist positions, Licensed Practical Nurse positions, Mental Health Worker I positions, Mental Health Worker II positions and Mental Health Worker III positions at the state mental health institutions.

| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
|------------------------------------|----------------|----------------|
|------------------------------------|----------------|----------------|

SP0647, LD 1606, item 2, 127th Maine State Legislature , Amendment C "A", Filing Number S-464, Sponsored by
 'An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional
 Supplemental Appropriations and Allocations for the Expenditures of State Government, General
 Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper
 Personal Services Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017'

| | | |
|-----------------------------------|-----|-----------|
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | \$564,733 |
|-----------------------------------|-----|-----------|

**HEALTH AND HUMAN SERVICES, DEPARTMENT
 OF (FORMERLY BDS)**

| | | |
|-------------------------------------|----------------|--------------------|
| DEPARTMENT TOTALS | 2015-16 | 2016-17 |
| GENERAL FUND | \$0 | \$931,283 |
| OTHER SPECIAL REVENUE FUNDS | \$0 | \$1,652,208 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$2,583,491 |

PART B

Sec. B-1. Reimbursement for personal care and related services. The Department of Health and Human Services shall amend its rules for reimbursement rates for personal care and related services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 12, 19 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63 to reflect 50% of the increase in rates noted in the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared for the department by Burns & Associates, Inc. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. B-2. Unstaffed hours and waiting lists. The Department of Health and Human Services shall estimate the number of hours, and the cost of those hours, of unmet need under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 12, 19, 40 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63. The estimate must include individuals eligible for services but on a waiting list and individuals who are entitled to services that are eligible for reimbursement but are unable to locate individuals or agencies to provide those services.

Sec. B-3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Provides funds for a rate increase for personal care and related services.

| | | |
|---------------------------|----------------|--------------------|
| GENERAL FUND | 2015-16 | 2016-17 |
| All Other | \$0 | \$2,773,600 |
| GENERAL FUND TOTAL | \$0 | \$2,773,600 |

SP0647, LD 1606, item 2, 127th Maine State Legislature , Amendment C "A", Filing Number S-464, Sponsored by 'An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017'

| | | |
|--|----------------|--------------------|
| FEDERAL EXPENDITURES FUND | 2015-16 | 2016-17 |
| All Other | \$0 | \$4,920,692 |
| FEDERAL EXPENDITURES FUND TOTAL | \$0 | \$4,920,692 |

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funds for a rate increase for personal care and related services.

| | | |
|---------------------------|----------------|--------------------|
| GENERAL FUND | 2015-16 | 2016-17 |
| All Other | \$0 | \$1,226,400 |
| GENERAL FUND TOTAL | \$0 | \$1,226,400 |

| | | |
|--|----------------|--------------------|
| HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) | | |
| DEPARTMENT TOTALS | 2015-16 | 2016-17 |
| GENERAL FUND | \$0 | \$4,000,000 |
| FEDERAL EXPENDITURES FUND | \$0 | \$4,920,692 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$8,920,692 |

PART C

Sec. C-1. Adjustment of salary schedules for certain law enforcement position classifications in fiscal year 2015-16. Notwithstanding any other provision of law, effective at the beginning of the pay period commencing closest to May 1, 2016, the salary schedules for the positions specified in this section in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that are included in the Maine State Police bargaining unit, the law enforcement bargaining unit or the supervisory services bargaining unit must be adjusted upward by the percentages indicated in this section.

1. Twelve percent increase. The salary schedules must be adjusted upward by 12% for all positions classified as Game Warden Sergeant, Game Warden Lieutenant, Marine Patrol Pilot Supervisor, Marine Patrol Sergeant or Marine Patrol Lieutenant.

2. Thirteen percent increase. The salary schedules must be adjusted upward by 13% for all positions classified as State Police Trooper, Game Warden Investigator, Game Warden Specialist, Capitol Police Officer or Fire Investigator.

3. Fourteen percent increase. The salary schedules must be adjusted upward by 14% for all positions classified as Game Warden Pilot Supervisor.

4. Fifteen percent increase. The salary schedules must be adjusted upward by 15% for all positions classified as State Police Specialist, State Police Corporal, State Police Detective, State Police Polygraph Examiner, State Police Forensic Specialist, State Police Pilot, State Police Pilot Supervisor, State Police Polygraph Examiner Supervisor, State Police Sergeant-E, Game Warden, Marine Patrol Officer, Capitol Police Sergeant, Senior Fire Investigator, Fire Investigations Sergeant or Forensic Specialist, Dual Discipline.

5. Seventeen percent increase. The salary schedules must be adjusted upward by 17% for all positions classified as Game Warden Pilot.

6. Eighteen percent increase. The salary schedules must be adjusted upward by 18% for all positions classified as State Police Lieutenant, Capitol Police Lieutenant or Marine Patrol Specialist.

Sec. C-2. Salary schedule for law enforcement supervisors changed. The Department of Administrative and Financial Services, Bureau of Human Resources shall amend by August 1, 2016 its rules regarding compensation to ensure that the fixed salary schedule for positions classified as law enforcement supervisors within the Department of Agriculture, Conservation and Forestry and the Baxter State Park Authority is increased by 5%.

Sec. C-3. Certain law enforcement confidential positions; similar and equitable treatment. The Department of Administrative and Financial Services, Bureau of Human Resources shall adjust upward the salary schedules for those law enforcement confidential positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that the bureau determines to be similar to the law enforcement positions listed in section 1 of this Part. The salary schedules must be adjusted consistently with the salary adjustment for the law enforcement positions listed in section 1 of this Part. For the purposes of this section, "confidential position" means a position within the executive branch that is a position excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J, including a probationary employee in such an excluded position.

Sec. C-4. Positions subject to adjustment or approval by the Governor. The Governor may adjust in a manner consistent with the salary adjustment for the law enforcement positions listed in section 1 of this Part the salary schedules for unclassified law enforcement positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources whose salaries are subject to the Governor's adjustment or approval.

Sec. C-5. Transfer from Salary Plan program and special account funding. The funds in the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the economic items contained in this Part and in Public Law 2015, chapter 376 in fiscal year 2016-17. Positions supported from sources other than the General Fund and the Highway Fund must be funded from those other sources. Transfers from the Salary Plan program pursuant to this Part may not exceed \$939,883 in fiscal year 2015-16 and \$6,088,514 in fiscal year 2016-17.

PART D

Sec. D-1. Distributions by Department of Corrections. The Department of Corrections shall distribute the funds appropriated in this Part prior to June 30, 2016 on the basis of the financial needs of each county jail and the regional jail. The department shall determine the financial needs of the jails in cooperation with the Maine County Commissioners Association and the Maine Sheriffs' Association, taking into consideration the revenues and verified expenditures of each jail and the use of tax assessments by each county as allowed by the Maine Revised Statutes, Title 30-A, section 701, subsection 2-C.

Sec. D-2. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

County Jail Operations Fund Z194

Initiative: Provides one-time funding for the County Jail Operations Fund to meet funding needs for the operation of the State's county jails and regional jail.

| | | |
|---------------------------|--------------------|----------------|
| GENERAL FUND | 2015-16 | 2016-17 |
| All Other | \$2,465,896 | \$0 |
| GENERAL FUND TOTAL | \$2,465,896 | \$0 |

PART E

Sec. E-1. 24-A MRSA §4317, sub-§12 is enacted to read:

12. Maximum allowable cost. This subsection governs the maximum allowable cost for a prescription drug as determined by a pharmacy benefits manager.

A. As used in this subsection, "maximum allowable cost" means the maximum amount that a pharmacy benefits manager pays toward the cost of a prescription drug.

B. A pharmacy benefits manager may set a maximum allowable cost for a prescription drug, or allow a prescription drug to continue on a maximum allowable cost list, only if that prescription drug:

- (1) Is rated as "A" or "B" in the most recent version of the United States Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations," also known as "the Orange Book," or an equivalent rating from a successor publication, or is rated as "NR" or "NA" or a similar rating by a nationally recognized pricing reference; and

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Operations of State Government for the Fiscal Year for Funding from June 30, 2016 to June 30, 2017.
(2) Use of State Government Available for Purchase in this State from a national or regional
wholesale distributor by pharmacies having a contract with the pharmacy benefits manager.

C. A pharmacy benefits manager shall establish a process for removing a prescription drug from a maximum allowable cost list or modifying a maximum allowable cost for a prescription drug in a timely manner to remain consistent with changes to such costs and the availability of the drug in the national marketplace.

D. With regard to a pharmacy with which the pharmacy benefits manager has entered into a contract, a pharmacy benefits manager shall:

(1) Upon request, disclose the sources used to establish the maximum allowable costs used by the pharmacy benefits manager;

(2) Provide a process for a pharmacy to readily obtain the maximum allowable reimbursement available to that pharmacy under a maximum allowable cost list; and

(3) At least once every 7 business days, review and update maximum allowable cost list information to reflect any modification of the maximum allowable reimbursement available to a pharmacy under a maximum allowable cost list used by the pharmacy benefits manager.

E. A pharmacy benefits manager shall provide a reasonable administrative appeal procedure, including a right to appeal that is limited to 14 days following the initial claim, to allow pharmacies with which the pharmacy benefits manager has a contract to challenge maximum allowable costs for a specified drug.

F. The pharmacy benefits manager shall respond to, investigate and resolve an appeal under paragraph E within 14 days after the receipt of the appeal. The pharmacy benefits manager shall respond to an appeal as follows:

(1) If the appeal is upheld, the pharmacy benefits manager shall make the appropriate adjustment in the maximum allowable cost and permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question; or

(2) If the appeal is denied, the pharmacy benefits manager shall provide the challenging pharmacy or pharmacist the national drug code from national or regional wholesalers of a comparable prescription drug that may be purchased at or below the maximum allowable cost.

G. The requirements of this subsection apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after September 1, 2016.

PART F

Sec. F-1. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Developmental Services Waiver - MaineCare 0987

Initiative: Provides funding for additional payments to providers.

| GENERAL FUND | 2015-16 | 2016-17 |
|---------------------------|------------------|--------------------|
| All Other | \$261,418 | \$1,002,949 |
| GENERAL FUND TOTAL | \$261,418 | \$1,002,949 |

Medicaid Services - Developmental Services 0705

Initiative: Provides funding for additional payments to providers.

| GENERAL FUND | 2015-16 | 2016-17 |
|---------------------------|----------------|-----------------|
| All Other | \$5,843 | \$22,415 |
| GENERAL FUND TOTAL | \$5,843 | \$22,415 |

| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
|--|-----------------|------------------|
| All Other | \$51,183 | \$204,732 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$51,183 | \$204,732 |

Mental Health Services - Community Medicaid 0732

Initiative: Provides funding for additional payments to providers.

| GENERAL FUND | 2015-16 | 2016-17 |
|---------------------------|-----------------|------------------|
| All Other | \$70,040 | \$268,714 |
| GENERAL FUND TOTAL | \$70,040 | \$268,714 |

| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
|------------------------------------|----------------|----------------|
|------------------------------------|----------------|----------------|

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 All Other Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017'

| | | |
|-----------------------------------|----------|----------|
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$13,413 | \$53,653 |
|-----------------------------------|----------|----------|

Office of Substance Abuse and Mental Health Services - Medicaid Seed 0844

Initiative: Provides funding for additional payments to providers.

| | | |
|---------------------|----------------|----------------|
| GENERAL FUND | 2015-16 | 2016-17 |
| All Other | \$6,260 | \$24,019 |
| GENERAL FUND TOTAL | \$6,260 | \$24,019 |

| | | |
|------------------------------------|----------------|----------------|
| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
| All Other | \$1,199 | \$4,796 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$1,199 | \$4,796 |

| | | |
|--|----------------|----------------|
| HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS) DEPARTMENT TOTALS | 2015-16 | 2016-17 |
| GENERAL FUND | \$343,561 | \$1,318,097 |
| OTHER SPECIAL REVENUE FUNDS | \$65,795 | \$263,181 |
| DEPARTMENT TOTAL - ALL FUNDS | \$409,356 | \$1,581,278 |

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Provides funding for additional payments to providers.

| | | |
|---------------------|----------------|----------------|
| GENERAL FUND | 2015-16 | 2016-17 |
| All Other | \$139,442 | \$534,978 |
| GENERAL FUND TOTAL | \$139,442 | \$534,978 |

| | | |
|----------------------------------|----------------|----------------|
| FEDERAL EXPENDITURES FUND | 2015-16 | 2016-17 |
| All Other | \$966,158 | \$3,943,566 |

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| | | |
|---------------------------------|-----------|-------------|
| FEDERAL EXPENDITURES FUND TOTAL | \$966,158 | \$3,943,566 |
|---------------------------------|-----------|-------------|

| | | |
|--|-----------------|------------------|
| OTHER SPECIAL REVENUE FUNDS | 2015-16 | 2016-17 |
| All Other | \$26,704 | \$106,818 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$26,704 | \$106,818 |

| | | |
|--|--------------------|--------------------|
| HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) | | |
| DEPARTMENT TOTALS | 2015-16 | 2016-17 |
| GENERAL FUND | \$139,442 | \$534,978 |
| FEDERAL EXPENDITURES FUND | \$966,158 | \$3,943,566 |
| OTHER SPECIAL REVENUE FUNDS | \$26,704 | \$106,818 |
| DEPARTMENT TOTAL - ALL FUNDS | \$1,132,304 | \$4,585,362 |

| | | |
|----------------------------------|--------------------|--------------------|
| SECTION TOTALS | 2015-16 | 2016-17 |
| GENERAL FUND | \$483,003 | \$1,853,075 |
| FEDERAL EXPENDITURES FUND | \$966,158 | \$3,943,566 |
| OTHER SPECIAL REVENUE FUNDS | \$92,499 | \$369,999 |
| SECTION TOTAL - ALL FUNDS | \$1,541,660 | \$6,166,640 |

PART G

Sec. G-1. 36 MRSA §5217-D, sub-§2, ¶B, as amended by PL 2015, c. 267, Pt. QQQ, §4 and affected by §6, is further amended to read:

B. A taxpayer may claim a credit based on loan payments actually made to a relevant lender or lenders under this section only with respect to loans that are part of the qualified individual's financial aid package and, for tax years beginning on or after January 1, 2015, only with respect to loan payment amounts paid by the taxpayer during that part of the taxable year that the qualified individual worked in this State. Payment of loan amounts in excess of the amounts due during the taxable year does not qualify for the credit. Refinanced For tax years beginning before January 1, 2015, refinanced loans that are part of the qualified individual's financial aid package are eligible for the credit under this section if the refinanced loans remain separate from other debt, including debt incurred in an educational program other than the degree program for which a credit is claimed under this section. For tax years beginning on or after January 1, 2015, refinanced loans or consolidated loans that are part of the qualified individual's financial aid package are eligible for the credit under

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Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper
Operation of State Government for the Fiscal Year Ending June 30, 2016 and June 30, 2017,
this section of the State Government for the Fiscal Year Ending June 30, 2016 and June 30, 2017, except for
debt incurred in an educational program, but only in proportion to the portion of the loan payments
that are otherwise eligible under this section. Forbearance or deferment of loan payments does not
affect eligibility for the credit under this section. For tax years beginning on or after January 1,
2015, an individual who worked in this State for any part of a month during the Maine residency
period of the taxable year is considered to have worked in this State for the entire month. For tax
years beginning on or after January 1, 2015, an individual who worked outside this State for an
entire month during the Maine residency period is considered to have worked in this State during
that month, except that in no case may this exception exceed 3 months during the Maine residency
period of the taxable year.

PART H

Sec. H-1. 36 MRSA §5217-D, sub-§1, ¶B-1, as amended by PL 2015, c. 300, Pt. A, §42
and amended by c. 328, §5, is repealed and the following enacted in its place:

B-1. "Financial aid package" means financial aid obtained by a student for attendance at an accredited Maine community college, college or university. For purposes of a qualified individual claiming a credit under this section for tax years beginning on or after January 1, 2013 but before January 1, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (a), "financial aid package" may include financial aid obtained for up to 30 credit hours of course work at an accredited non-Maine community college, college or university earned prior to transfer to an accredited Maine community college, college or university, if the 30 credit hours were earned after December 31, 2007 and the transfer occurred after December 31, 2012. For purposes of a qualified individual claiming a credit under this section for tax years beginning on or after January 1, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (a-1), "financial aid package" may include financial aid obtained by a student for attendance at an accredited non-Maine community college, college or university after December 31, 2007. For purposes of a qualified individual claiming a credit under this section for tax years beginning on or after January 1, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (b), "financial aid package" may include financial aid obtained by a student for attendance at an accredited non-Maine community college, college or university after December 31, 2007. For purposes of a qualified individual claiming a credit under this section for tax years beginning on or after January 1, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (c), "financial aid package" may include financial aid obtained by a student for attendance at an accredited Maine college or university after December 31, 2007. For purposes of an employer claiming a credit under this section for tax years beginning on or after January 1, 2013, "financial aid package" may include financial aid obtained by a qualified employee for attendance at an accredited non-Maine community college, college or university. "Financial aid package" may include private loans or less than the full amount of loans under federal programs, depending on the practices of the accredited Maine or non-Maine community college, college or university. Loans are includable in the financial aid package only if entered into prior to July 1, 2023.

Sec. H-2. 36 MRSA §5217-D, sub-§1, ¶E, as amended by PL 2013, c. 325, §15, is further amended to read:

E. "Qualified employee" means an employee who is employed at least part time and who is a qualified individual or who would be a qualified individual except that the employee's associate or bachelor's degree was awarded by an accredited non-Maine community college, college or university.

For tax years beginning on or after January 1, 2016, "qualified employee" means an employee who is employed at least part time and who is a qualified individual or who would be a qualified individual except that the employee's associate, bachelor's or graduate degree was awarded by an accredited non-Maine community college, college or university.

Sec. H-3. 36 MRSA §5217-D, sub-§1, ¶G, as amended by PL 2015, c. 328, §6, is further amended to read:

G. "Qualified individual" means an individual, including the spouse filing a joint return with the individual under section 5221, who is eligible for the credit provided in this section. An individual is eligible for the credit if the individual:

(1) Attended and obtained:

(a) An associate or bachelor's degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016. The individual need not obtain the degree from the institution in which that individual originally enrolled as long as all course work toward the degree is performed at an accredited Maine community college, college or university, except that an individual who transfers to an accredited Maine community college, college or university after December 31, 2012 but before January 1, 2016 from outside the State and earned no more than 30 credit hours of course work toward the degree at an accredited non-Maine community college, college or university after December 31, 2007 and prior to the transfer is eligible for the credit if all other eligibility criteria are met. Program eligibility for such an individual must be determined as if the commencement of course work at the relevant accredited Maine community college, college or university was the commencement of course work for the degree program as a whole. This division does not apply to tax years beginning after December 31, 2015;

(a-1) For tax years beginning on or after January 1, 2016, an associate or bachelor's degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016, regardless of whether the individual earned credit hours of course work toward the degree outside the State;

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(b) One of the following: a degree from an accredited Maine community college, college or university after December 31, 2015; or

(c) A graduate degree from an accredited Maine college or university after December 31, 2015;

(4) During the taxable year, was a resident individual; and

(5) Worked during the taxable year:

(a) For tax years beginning prior to January 1, 2015, at least part time for an employer located in this State or, for tax years beginning on or after January 1, 2013, was, during the taxable year, deployed for military service in the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces; or

(b) For tax years beginning on or after January 1, 2015, at least part time in this State for an employer or as a self-employed individual or was, during the taxable year, deployed for military service in the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces; or

(c) For tax years beginning on or after January 1, 2016, at least part time in a position on a vessel at sea.

As used in this subparagraph, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

Sec. H-4. 36 MRSA §5217-D, sub-§5, as amended by PL 2013, c. 525, §15, is further amended to read:

5. Calculation of the credit; employers. Subject to subsection 2, a taxpayer constituting an employer making loan payments directly to a lender during the taxable year on loans included in a qualified employee's financial aid package may claim a credit equal to the benchmark loan payment or the actual monthly loan payment made by the employer on the loans, whichever is less, multiplied by the number of months during the taxable year the employer made loan payments on behalf of the qualified employee during the term of employment. For tax years beginning on or after January 1, 2016, subject to subsection 2, a taxpayer constituting an employer making loan payments directly to a lender during the taxable year on loans included in a qualified employee's financial aid package may claim a credit equal to the actual monthly loan payment made by the employer on the loans multiplied by the number of months during the taxable year the employer made loan payments on behalf of the qualified employee during the term of employment. The credit under this subsection may not be claimed with respect to months of the taxable year during which the employee was not a qualified employee.

If the qualified employee is employed on a part-time basis during the taxable year, the credit with respect to that employee is limited to 50% of the credit otherwise determined under this subsection.

PART I

Sec. I-1. Transfer to Maine Budget Stabilization Fund for fiscal year 2015-16.

The State Controller shall transfer \$44,500,000 to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532 from the unappropriated surplus of the General Fund no later than June 30, 2016.

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

SUMMARY

This amendment is the majority report of the committee. It replaces the bill and changes the title.

PART A

This Part increases wages for select personnel at the state mental health institutions.

PART B

This Part directs the Department of Health and Human Services to amend its rules to increase the reimbursement rates for personal care and related services to reflect 50% of the increase in rates noted in the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models."

It requires the Department of Health and Human Services to estimate the number of hours, and cost of those hours, of unmet need. The estimate must include individuals eligible for services but who are on waiting lists and individuals eligible for services who are unable to find staffing to provide those services.

PART C

This Part provides for the upward adjustment of salary schedules in fiscal year 2015-16 by 12% to 18% for certain law enforcement positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources beginning with the pay period closest to May 1, 2016. This Part provides for a 5% salary increase to law enforcement supervisors within the Department of Agriculture, Conservation and Forestry and the Baxter State Park Authority. This Part provides for a similar salary schedule adjustment for certain law enforcement confidential employees in those departments and allows the Governor to make similar salary schedule adjustments to unclassified law enforcement positions in those departments that are subject to the Governor's adjustment or approval. This Part authorizes use of the Salary Plan program to fund the adjustments and provides that certain law enforcement positions supported from other funds must be funded whenever possible from those other sources.

This Part provides one-time funding for the operation of the State's county jails and regional jail.

PART E

This Part establishes certain requirements relating to maximum allowable cost pricing lists used by pharmacy benefits managers.

This Part provides that a pharmacy benefits manager may set a maximum allowable cost for a prescription drug only if that drug is rated as "A" or "B" in the most recent version of the United States Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations," also known as "the Orange Book," or an equivalent rating from a successor publication, or is rated as "NR" or "NA" or a similar rating by a nationally recognized pricing reference and the drug is not obsolete and is generally available for purchase in this State.

This Part requires a pharmacy benefits manager to remove or modify in a timely manner a maximum allowable cost for a prescription drug as necessary for the cost of the prescription drug to remain consistent with changes to such costs and availability of the drug in the national marketplace for prescription drugs.

This Part requires a pharmacy benefits manager to provide the following to a pharmacy with which the pharmacy benefits manager has a contract:

1. Disclose the sources used to establish the maximum allowable costs used by the pharmacy benefits manager upon request;
2. Provide a process for a pharmacy to readily obtain the maximum allowable reimbursement available to that pharmacy under a maximum allowable cost list; and
3. At least once every 7 business days, review and update maximum allowable cost list information to reflect any modification of the maximum allowable reimbursement available to a pharmacy under a maximum allowable cost list used by the pharmacy benefits manager.

This Part establishes an appeal process to allow a pharmacy to challenge a drug's maximum allowable cost under certain conditions.

This Part specifies that the provisions apply to contracts between a pharmacy benefits manager and a pharmacy beginning September 1, 2016.

PART F

This Part provides funding for an increase in reimbursement rates to eligible MaineCare providers for the last 3 months of fiscal year 2015-16 and for fiscal year 2016-17. The purpose of the additional funding is to offset the imposition of the service provider tax, which increased January 1, 2016.

PART G

This Part allows a portion of a consolidated loan that is a qualifying education loan to be eligible for the educational opportunity tax credit beginning with tax year 2015. It also provides that only a qualifying education loan that is consolidated with a nonqualifying education loan is eligible.

PART B

This Part, for tax years beginning on or after January 1, 2016, allows a qualified individual who earned a bachelor's or associate degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016 to be eligible for the educational opportunity tax credit regardless of the number of transfer credits earned at a non-Maine community college, college or university. Under current law, an individual who earned more than 30 credit hours from a non-Maine community college, college or university prior to 2016 does not qualify for the credit.

The Part, for tax years beginning on or after January 1, 2016, allows a resident of Maine who is employed at least part time in a position on a vessel at sea to qualify for the educational opportunity tax credit. Under current law, an individual, other than an individual deployed for military service, does not qualify for the credit if the individual works outside Maine for more than 3 months.

The Part, for tax years beginning on or after January 1, 2016, encourages employers to pay student loan payments by expanding the employer credit to include graduate degrees earned by qualified employees and by removing the principal cap relative to qualified employees.

PART I

This Part requires the transfer of \$44,500,000 in fiscal year 2015-16 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.