

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

## **An Act To Restore County Tax Appropriation Integrity**

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

**Sec. 1. 22 MRSA §6110**, as amended by PL 2011, c. 542, Pt. A, §43, is further amended to read:

### **§ 6110. Designation of priority social services**

The following types of social services are designated as priority social services for payment of expenditures from state funds appropriated to carry out the purposes of this chapter:

Homemaker -- Health Aide Services;

Developmental Day Care, including Family Day Care;

Services for Persons with Intellectual Disabilities or Autism;

Mental Health Services;

Transportation Services intended to provide access to health care services;

Meals for Older People; and

Health and Home Care Needs for the Elderly.

Any expenditure of funds for family day care ~~shall~~may not cause the amount ~~which~~that may be expended for developmental day care or any other type of service to decrease below the cumulative fiscal year to date amount expended as of April 1, 1975 for such developmental day care or such other type of service.

**Sec. 2. 22 MRSA §6111, sub-§4**, as amended by PL 2011, c. 542, Pt. A, §44, is further amended to read:

**4. Maximum state share of cost.** State funds appropriated for priority social services may be used to pay a portion of expenditures under each agreement for each type of social service in an amount not to exceed the maximum percentage for state funds of 100% of the total expenditures for each type of priority social service as specified below. One hundred percent funding must be available for not more than 2 years consecutively or in total. State funds appropriated for priority social services may be used to pay a portion of expenditures under each agreement for each type of social service in an amount not to exceed the maximum percentage for state funds of the total expenditures for each type of priority social service as specified below when programs have been funded for a total of 2 years, consecutively or in total. The maximum percentage of state funds of the total expenditures for each type of service may not exceed:

75% for homemaker service;

75% for developmental day care, including family day care;

75% for services for persons with intellectual disabilities or autism;

75% for meals for older people;

75% for mental health services;

75% for transportation services intended to provide access to health care services;

75% for health and home care needs for the elderly.

**Sec. 3.22 MRSA §6111, sub-§5**, as amended by PL 2011, c. 542, Pt. A, §45, is further amended to read:

**5. Maximum use of nonstate resources.** State funds paying a portion only of expenditures for priority social services are valid only when "earned" or "matched" by expenditure of nonstate resources, which may be cash or in-kind. The expenditure of such resource must be in an amount at least equal to the minimum percentage for nonstate resources of the total expenditures for each type of priority social services as specified below. The minimum percentage for nonstate resources of the total expenditures for each type of service is:

25% for homemaker service;

25% for developmental day care, including family day care;

25% for services for persons with intellectual disabilities or autism;

25% for meals for older people;

25% for mental health services;

25% for transportation services intended to provide access to health care services;

25% for health and home care needs for the elderly.

Nonstate resources authorized to qualify to earn or match state funds include private funds such as gifts, grants, fees for service or contributions; in-kind resources that are actual out-of-pocket expenditures; or actual loss of revenue related directly and essentially as an integral part of the operation of a priority social service; and public revenues such as municipal taxes, a municipal or county amount of federal

revenue sharing funds, other appropriate federal resources and state revenue sharing funds and such other public resources as may be received by, generated by or available to a municipal or county government or other political subdivision or quasi-governmental bodies.

**Sec. 4. 30-A MRSA §705**, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

### **§ 705.Grants to agencies outside of county government**

~~Any grants~~Grants placed in the county budget by the Legislature to any agency outside of the regular county departments ~~shall~~may be paid to those agencies on a quarterly basis only if authorized by subchapter 2, article 1 or Title 22, subtitle 4. The commissioners may withhold funds from an agency if there is evidence that funds have been misappropriated or misapplied by the agency.

**Sec. 5. 30-A MRSA §951, sub-§§2 and 3**, as enacted by PL 1987, c. 737, Pt. A, §2 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

**2. Improper transactions; report to district attorney.** If, in the course of the audit, the auditor finds evidence of transactions not authorized by this chapter or other improper transactions, including the use of contingency funds for nonemergency purposes, the transfer of funds between departments or agencies, incompetence in keeping accounts or handling funds, failure to comply with this subchapter or any other improper practice of financial administration, the auditor shall report the same to the district attorney immediately.

**3. Commissioners responsible.** The county commissioners are responsible for the proper financial administration of each county department or agency and for approving county expenditures authorized by this chapter.

## **SUMMARY**

This bill provides specificity for the use and expenditure of funds by county governments by:

1. Limiting the payment of expenditures for the priority-designated social service of transportation to transportation for access to health care services;
2. Limiting grants that are paid to agencies outside of the regular county departments to those that have been statutorily authorized;
3. Requiring the Office of the State Auditor, when conducting an audit of a county, to report any transaction not authorized by statute to the district attorney for that county; and
4. Specifying that the ability of county commissioners to approve county expenditures is limited to those expenditures that are statutorily authorized.