

## **120<sup>th</sup> Legislature LD 855 HP0655**

### **Appropriations and Financial Affairs**

**Original Title:** An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 2002 and June 30, 2003.

**New Title** An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003.

(GOVERNOR'S BILL). **Presented By:** Representative BERRY of Livermore

**Cosponsored By:** Senator GOLDTHWAIT of Hancock and Representative NASS of Acton, Senators: CATHCART of Penobscot, MILLS of Somerset.

**Public Hearing:** 03/26/01. Majority (OTP-AM) Accepted 06/19/01.

**Amended By:** CA (Changed Title) H-724, HI/CA H-740, HL/CA (Changed Title) H-747, SD/CA S-367, SE/CA S-368.

**Final Disposition:** Enacted, Signed 06/21/01, PUBLIC LAWS, Chapter 439

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

paragraphs C, D and E, other than those referred to in section 4 of this Part, and who must be given similar and equitable treatment on a pro rata basis similar to that treatment given employees covered by the collective bargaining agreements.

**Sec. B-6. Costs to General Fund.** Costs to the General Fund must be provided in the Salary Plan program, referred to in Part C, section 1 of this Act, in the amount of \$430,412 for the fiscal year ending June 30, 2002 and in the amount of \$925,565 for the fiscal year ending June 30, 2003 to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and, notwithstanding the Maine Revised Statutes, Title 26, section 1285, subsection 1, paragraph E, for the costs of those Judicial Department employees excluded from collective bargaining pursuant to Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G.

**PART C**

**Sec. C-1. Transfer from Salary Plan and special account funding.** The Salary Plan program in the Department of Administrative and Financial Services may be made available 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 implementation of collective bargaining agreements for state employees and for other economic items contained in this Act in fiscal year 2001-02 and fiscal year 2002-03. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded whenever possible from those other sources.

**Sec. C-2. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administrative and Financial Services may be reimbursed from the Salary Plan program for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.

**PART D**

**Sec. D-1. 5 MRS §8, as amended by PL 1999, c. 454, Pt. E, §1, is further amended to read:**

**§8. Mileage allowance**

The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State such reimbursement as agreed to between the State and their certified or recognized bargaining agent. For employees and state

officers and officials not subject to any such agreement, the State shall pay ~~24¢ per mile effective July 1, 1998, 26¢ per mile effective January 1, 2000 and 28¢ per mile effective January 1, 2001~~ 30¢ per mile effective July 1, 2001 and 32¢ per mile effective July 1, 2002 for miles actually traveled on state business. The Governor may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles are available.

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

Effective June 20, 2001.

**CHAPTER 439**

**H.P. 655 - L.D. 855**

**An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 2002 and June 30, 2003**

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

**PART A**

**Sec. A-1. Supplemental appropriations and allocations.** There are appropriated and allocated from various funds for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the following amounts.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Central Motor Pool**

New Initiative: Provides funding for 2 positions in Central Fleet Management. An Auto Mechanic II position and a Fleet Support Specialist position are required to prepare vehicles, manage maintenance and process new, used and surplus vehicles.

Central Motor Pool Fund	2001-02	2002-03
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	\$62,158	\$64,992
All Other	8,966	8,357
<b>Total</b>	<b>71,124</b>	<b>73,349</b>

**Central Services - Purchases**

**Sec. CC-3. Allocation.** The following funds are allocated from the Federal Block Grant Fund to carry out the purposes of this Part.

	2001-02	2002-03
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Temporary Assistance for Needy Families</b>		
All Other	\$1,032,971	\$1,377,295
Provides funds from the TANF Reserve to support a 5% increase in the maximum level of assistance in the TANF program.		
<b>Temporary Assistance for Needy Families</b>		
All Other	\$750,000	\$1,000,000
Provides funds to support a 5% increase in the maximum level of assistance in the TANF program.		
<b>Temporary Assistance for Needy Families</b>		
All Other	(\$750,000)	(\$1,000,000)
Deallocates funds to offset an excess allocation in Part A of the Governor's "current services" budget.		
<b>DEPARTMENT OF HUMAN SERVICES</b>		
<b>TOTAL</b>	\$1,032,971	\$1,377,295

**PART DD**

**Sec. DD-1. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	2001-02	2002-03
<b>EXECUTIVE DEPARTMENT</b>		
<b>Public Advocate</b>		
All Other	(\$181,569)	(\$181,551)
Deallocates funds to limit growth within the Office of the Public Advocate.		

**PART EE**

**Sec. EE-1. Transfers from unappropriated surplus at close of fiscal year 2000-01.** Notwithstanding any other provision of law, at the

close of fiscal year 2000-01, the State Controller shall transfer from the unappropriated surplus of the General Fund to the Executive Branch - Departments and Agencies Statewide account within the Department of Administrative and Financial Services after all required deductions of appropriations and budgeted financial commitments and as the next priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, 1513, 1517 and 1519 and the amounts authorized pursuant to Public Law 2001, chapter 358, Part X, section 2 an amount not to exceed \$9,100,572 as determined in section 2 of this Part. At the close of fiscal year 2000-01, transfers authorized pursuant to Title 5, section 1519 may not exceed \$2,000,000 and transfers authorized pursuant to Title 5, section 1517 may not exceed \$1,700,000.

**Sec. EE-2. Priority of transfers.** Transfers made in accordance with section 1 of this Part must be expended for the purposes listed in this section in the following amounts and priority order.

**1. ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

**Office of Tourism** \$2,193,844

New Initiative: Provides funds to increase tourism promotion in fiscal year 2002-03. These funds may not be expended in fiscal year 2001-02 but must be carried forward until June 30, 2003.

**2. MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management** \$139,418

New Initiative: Appropriates funds to develop alternative lobster stock assessment models and to develop alternative biological reference points for lobster in the State.

**3. DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**Disaster Assistance** \$424,396

New Initiative: To provide the state share of federal disaster assistance.

**4. AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Office of Agricultural, Natural and Rural Resources** \$5,000

New Initiative: Appropriates funds in fiscal year 2001-02 for the United States Geological Survey to conduct a low-flow study in Aroostook County.

**5. MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF**

**Disproportionate Share - Augusta Mental Health Institute** \$26,490

New Initiative: Modernization of management information system.

**6. MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF**

Disproportionate Share - Augusta Mental Health Institute \$133,894

New Initiative: Continues using contract nurses at the Augusta Mental Health Institute.

**7. MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF**

Disproportionate Share - Bangor Mental Health Institute \$132,530

New Initiative: Provides funds to contract for nurse coverage due to difficulty in recruiting state employees.

**8. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

Bureau of General Services Capital Improvement Reserve Fund \$400,000

New Initiative: Provides funds to the Bureau of General Services to complete renovating the HETL building and clinical laboratories.

**9. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

Bureau of General Services Capital Improvement Reserve Fund \$350,000

New Initiative: Provides funding for the development of a capital investment plan for the Downeast Correctional Facility.

**10. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

Bureau of General Services Capital Improvement Reserve Fund \$125,000

New Initiative: Provides funding for repairs to a hangar in Greenville.

**11. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

Bureau of General Services Capital Improvement Reserve Fund \$350,000

New Initiative: Provides funding in fiscal year 2002-03 for an architectural and engineering assessment of the Harlow Building.

**12. GOVERNOR BAXTER SCHOOL FOR THE DEAF**

Governor Baxter School for the Deaf \$100,000

New Initiative: Provides one-time funds in fiscal year 2001-02 and the authority to use unobligated resources in order to offset expenditures by local education authorities for the costs of educational programs and related services required for students under federal and state laws related to the Individuals with Disabilities

Education Act. The Governor Baxter School for the Deaf is to submit a report by January 15, 2002 to the Commissioner of Administrative and Financial Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs detailing the school's specific responsibilities and the resources necessary to address those responsibilities.

**13. CORRECTIONS, DEPARTMENT OF**

Administration - Corrections \$1,800,000

New Initiative: Provides for the continued development of the department's technology plan.

**14. ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

Office of Tourism \$1,000,000

New Initiative: Provides funds to match a federal grant to plan and construct the Downeast Heritage Center on the St. Croix River in Calais and to promote tourism and economic growth in Washington County.

**15. HUMAN SERVICES, DEPARTMENT OF**

Bureau of Health \$25,000

New Initiative: Appropriates funds on a one-time basis to design and conduct a health study of selected residents of the Town of Orrington relating to levels of mercury.

**16. DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

Military Educational Benefits \$300,000

New Initiative: Provides educational funds in fiscal year 2001-02.

**17. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

Bureau of General Services Capital Improvement Reserve Fund \$1,000,000

New Initiative: Provides funding in fiscal year 2001-02 for renovations at the Bangor Mental Health Institute campus to make office space ADA-accessible, to upgrade heating and cooling systems and to repair the roof and parapets.

**18. STATE BOARD OF EDUCATION**

State Board of Education \$150,000

New Initiative: Provides funding to continue the implementation of essential programs and services.

**19. MAINE STATE MUSEUM**

Maine State Museum \$445,000

New Initiative: Provides funds for the repair of portraits in the State House and for the stabilization of the historic flags exhibit.

**Sec. EE-3. Calculation and transfer.**

Notwithstanding the Maine Revised Statutes, Title 5, section 1585, in fiscal year 2001-02, the State Budget Officer shall calculate the amounts that may be transferred to the various state departments and agencies for the projects listed in section 2 of this Part and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations and allocations in fiscal year 2001-02. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with a report of the transferred amounts no later than January 31, 2003. Amounts transferred pursuant to this Part and not expended during fiscal year 2001-02 may not lapse at the end of fiscal year 2001-02 but must be carried forward to be used for the purposes for which they were originally transferred.

**Sec. EE-4. Revenue Reserve.** A Revenue Reserve is established as an account within the General Fund to be used to reserve funds against future revenue reductions that may result from the State taking action to conform the State's tax laws to the United States Internal Revenue Code, to offset future budget shortfalls, to secure resources for the Fund for a Healthy Maine or for other purposes as determined by the Legislature. At the close of fiscal year 2000-01, the State Controller shall transfer to the Revenue Reserve any balance remaining in General Fund unappropriated surplus after all the transfers authorized pursuant to section 1 and after all other required deductions of appropriations and budgeted financial commitments.

**PART FF**

**Sec. FF-1. 12 MRSA §7076, sub-§6,** as repealed and replaced by PL 1999, c. 249, §1, is amended to read:

**6. Members of Armed Forces domiciled in Maine.** A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State ~~and that person's spouse and children may purchase Maine hunting and fishing licenses at reduced rates~~ may be issued a combination fishing and hunting license for an amount equal to the administrative costs associated with issuing the license as determined by the department. Administrative costs do not include agent fees. To qualify, the member of the Armed Forces must show proof that that member's home of record, as recorded in that person's service records, is Maine. That person may purchase all other licenses or permits at resident fees.

The license is valid during the year of issue. That person's spouse and children may purchase Maine hunting and fishing licenses at reduced rates. The reduced fees are as follows:

- A. Twenty dollars, plus the issuing fee for a combination fishing and hunting license;
- B. Ten dollars, plus the issuing fee for a hunting license; and
- C. Ten dollars, plus the issuing fee for a fishing license.

**Sec. FF-2. Effective date.** This Part takes effect July 1, 2002.

**PART GG**

**Sec. GG-1. 30-A MRSA §4992-A,** as enacted by PL 1991, c. 858, §1, is amended to read:

**§4992-A. Fuel Assistance Reserve Fund**

**1. Fuel Assistance Reserve Fund.** If funds are appropriated pursuant to this section, the authority shall use the funds to establish and capitalize the Fuel Assistance Reserve Fund. The authority shall keep the Fuel Assistance Reserve Fund, referred to in this section as the "fund," separate from all other funds managed by the authority and use the fund only under the conditions set forth in this section. The authority shall use the Fuel Assistance Reserve Fund to ensure that fuel assistance benefits for the State's eligible elderly and low-income residents are available prior to the beginning of the heating season.

**2. Timely distribution of benefits.** The authority shall make available to local program operators and municipal administrators of the fuel assistance program, ~~by October 1st at the beginning of each state fiscal year,~~ funds sufficient to cover anticipated fuel assistance payments and program administrative costs for at least the months of October, November and December July, August and September.

**3. Conditional use of the fund.** The authority's use of the fund is subject to the following conditions and limitations.

A. If the authority reasonably anticipates that federal fuel assistance block grant funds are not available for distribution to the local program operators and municipal administrators by ~~October~~ July 1st of each year, the authority shall withdraw and distribute sufficient money from the fund as is necessary for the purposes set forth in this section. The authority may withdraw funds prior to October 1st, provided that those funds are used only for costs incurred on or after ~~October~~ July 1st.

"Enacted with amendments H-724, H-740, H-747, S-367 and S-368  
as P.L. 2001, ch.439, PT.EE"

"Allocation was submitted in amendment H-724 as § TTT"

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AUGUSTA, MAINE



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 855

H.P. 655

House of Representatives, February 15, 2001

**An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003.**

(EMERGENCY)

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BERRY of Livermore. (GOVERNOR'S BILL)  
Cosponsored by Senator GOLDTHWAIT of Hancock and  
Representative NASS of Acton, Senators: CATHCART of Penobscot, MILLS of Somerset.

DATE:

(Filing No. H- 724)

APPROPRIATIONS AND FINANCIAL AFFAIRS

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

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 855, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003"

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

**'An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003'**

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

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

**Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable prior to June 30, 2001; and**

**Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of**

2 section 2 an amount not to exceed \$9,100,572 as determined in  
section 2 of this Part. At the close of fiscal year 2000-01,  
4 transfers authorized pursuant to Title 5, section 1519 may not  
exceed \$2,000,000 and transfers authorized pursuant to Title 5,  
6 section 1517 may not exceed \$1,700,000.

8 **Sec. FF-2. Priority of transfers.** Transfers made in accordance  
with section 1 of this Part must be expended for the purposes  
10 listed in this section in the following amounts and priority  
order.

12 **1. ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

14 **Office of Tourism** \$2,193,844

16 New Initiative: Provides funds to increase tourism promotion in  
fiscal year 2002-03. These funds may not be expended in fiscal  
18 year 2001-02 but must be carried forward until June 30, 2003.

20 **2. MARINE RESOURCES, DEPARTMENT OF**

22 **Bureau of Resource Management** \$139,418

24 New Initiative: Appropriates funds to develop alternative lobster  
stock assessment models and to develop alternative biological  
26 reference points for lobster in the State.

28 **3. DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

30 **Disaster Assistance** \$424,396

32 New Initiative: To provide the state share of federal disaster  
assistance.

34 **4. AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

36 **Office of Agricultural, Natural and Rural Resources** \$5,000

38 New Initiative: Appropriates funds in fiscal year 2001-02 for  
40 the United States Geological Survey to conduct a low-flow study  
in Aroostook County.

42 **5. MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE**  
44 **SERVICES, DEPARTMENT OF**

46 **Disproportionate Share - Augusta Mental Health Institute** \$26,490

48 New Initiative: Modernization of management information system.

2       **17. ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

4       **Bureau of General Services Capital Improvement**  
6       **Reserve Fund** \$1,000,000

8       New Initiative: Provides funding in fiscal year 2001-02 for  
10       renovations at the Bangor Mental Health Institute campus to make  
12       office space ADA-accessible, to upgrade heating and cooling  
14       systems and to repair the roof and parapets.

12       **18. STATE BOARD OF EDUCATION**

14       **State Board of Education** \$150,000

16       New Initiative: Provides funding to continue the implementation  
18       of essential programs and services.

18       **19. MAINE STATE MUSEUM**

20       **Maine State Museum** \$445,000

22       New Initiative: Provides funds for the repair of portraits in  
24       the State House and for the stabilization of the historic flags  
26       exhibit.

26               **Sec. FF-3. Calculation and transfer.** Notwithstanding the Maine  
28       Revised Statutes, Title 5, section 1585, in fiscal year 2001-02,  
30       the State Budget Officer shall calculate the amounts that may be  
32       transferred to the various state departments and agencies for the  
34       projects listed in section 2 of this Part and shall transfer the  
36       calculated amounts by financial order upon the approval of the  
38       Governor. These transfers are considered adjustments to  
40       appropriations and allocations in fiscal year 2001-02. The State  
42       Budget Officer shall provide the joint standing committee of the  
44       Legislature having jurisdiction over appropriations and financial  
46       affairs with a report of the transferred amounts no later than  
48       January 31, 2003. Amounts transferred pursuant to this Part and  
not expended during fiscal year 2001-02 may not lapse at the end  
of fiscal year 2001-02 but must be carried forward to be used for  
the purposes for which they were originally transferred.

42               **Sec. FF-4. Revenue Reserve.** A Revenue Reserve is established  
44       as an account within the General Fund to be used to reserve funds  
46       against future revenue reductions that may result from the State  
48       taking action to conform the State's tax laws to the United  
States Internal Revenue Code, to offset future budget shortfalls,  
to secure resources for the Fund for a Healthy Maine or for other  
purposes as determined by the Legislature. At the

COMMITTEE AMENDMENT "A" to H.P. 655, L.D. 855

	Conservation	203,000	203,000
2	MHMRSAS	1,552,869	1,347,043
4	PART L, Section L-9	1,000,000	1,000,000
	PART X, Section X-7	690,058	956,886
6	PART AA, Section AA-1	5,000,000	
	PART GG, Section GG-1		(2,800)
8	PART HH, Section HH-1		(150,000)
	PART JJ, Section JJ-1		(88,363)
10	PART PP, Section PP-1		(1,781,768)
	PART JJJ, Section JJJ-1	(61,623)	(85,838)
12	PART PPP	20,000	30,000
	PART QQQ		(1,424)
14	PART ZZZ		95,531
	PART NNNN	66,355	66,355
16	PART UUUU	12,191,974	17,823,258
	PART VVVV	12,142,364	14,918,280
18			
	GENERAL FUND UNDEDICATED		
20	REVENUE, TOTAL	33,336,527	34,861,690

22 **ADJUSTMENTS TO GENERAL FUND BALANCE**

24		<b>2001-02</b>	<b>2002-03</b>
26	PART A		
	Public Safety	39,706	41,258
28			
	PART H, Section H-5	239,054	
30	PART I, Section I-2	104,916	110,613
	PART W, Section W-1	150,000	
32	PART W, Section W-2	2,550,000	
34	ADJUSTMENTS TO GENERAL FUND		
	BALANCE, TOTAL	3,083,676	151,871

36 **HIGHWAY FUND UNDEDICATED REVENUE**

38		<b>2001-02</b>	<b>2002-03</b>
40			
	PART PPP	30,000	45,000
42			

44 **SUMMARY**

46 Part A makes supplemental appropriations and allocations.

48 Part B makes supplemental appropriations and allocations  
 50 from various governmental funds for approved reclassifications  
 and range changes.

2 deallocations of \$750,000 in fiscal year 2001-02 and \$1,000,000  
in fiscal year 2002-03 to reflect the requirement that the  
Department of Human Services use unexpended TANF block grant  
4 funds to support a portion of the 5% increase in the maximum  
level of assistance.

6  
8 Part EE deallocates funds to the Public Advocate within the  
Executive Department in order to limit growth within the Office  
of the Public Advocate.

10  
12 Part FF sets up a priority of transfers from unappropriated  
surplus at the close of fiscal year 2000-01.

14 Part GG authorizes the issuance of complimentary hunting and  
fishing licenses to resident active military personnel.

16  
18 Part HH does the following.

20 1. It establishes a summer "fill" program to provide  
low-income households that are eligible for fuel assistance  
through the Low-income Home Energy Assistance program, LIHEAP,  
22 with an initial supply of fuel and authorizes a \$10,000,000  
working capital advance from the General Fund beginning in fiscal  
24 year 2002-03.

26 2. It requires the Maine State Housing Authority to study  
fixed-price home heating fuel contracts for fuel assistance  
28 recipients.

30 3. It requires the Maine State Housing Authority to  
identify the most effective way to provide adequate funding of  
32 the anticipated 25% nonfederal share of the weatherization  
program.

34 4. It requires the Maine State Housing Authority to  
investigate the possibility of establishing a separate Office of  
36 Energy Conservation within the Maine State Housing Authority.

38 5. It requires the Maine State Housing Authority to  
40 annually investigate the possibility of increasing the percentage  
of LIHEAP funds for weatherization services.

42 6. It requires the State Planning Office to conduct a study  
44 to determine whether the State can reduce its per capita  
residential energy consumption by 25% by 2011.

46  
48 Part II expands the eligibility for the elderly low-cost  
drug program by adding over-the-counter medications that are  
prescribed by a health care provider and approved as  
50 cost-effective by the Department of Human Services as a basic

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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**RECESSED** until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

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Senator **PENDLETON** of Cumberland requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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Out of order and under suspension of the Rules, the Senate considered the following:

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

H.P. 655 L.D. 855

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Signed:

Senators:

GOLDTHWAIT of Hancock  
CATHCART of Penobscot  
MILLS of Somerset

Representatives:

BERRY of Livermore  
MAILHOT of Lewiston  
TESSIER of Fairfield  
BRANNIGAN of Portland  
ETNIER of Harpswell  
JONES of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-725)**.

Signed:

Representatives:

NASS of Acton  
WINSOR of Norway  
BELANGER of Caribou  
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY HOUSE AMENDMENTS "I" (H-740) AND "J" (H-741)** thereto.

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report, in concurrence

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. This has been an interesting process which has resulted, I think, in a reasonable Part II Budget for the state. It was the result of significant compromise. I first want to offer again my sincere thanks to my colleagues on the Appropriations Committee, both from this and the other body, for the tremendous job they did trying to put this budget together, and particularly for the members of the Minority Report, who worked long and hard to avoid reaching an impasse where they felt necessary to take out that report. I want all of you to know that was not done lightly. It was not done with an attitude of just posturing to have their say. They worked very, very hard to reach a unanimous agreement. When we could not do that, we parted friends. I think, though, the Majority Report is by far the better of the proposals. It does cover a lot of the very unglamorous aspects of state government. Repair and maintenance of buildings, additional items required to meet the terms of the consent decree at AMHI, items that probably, if any of us were to construct a budget alone, they would not be the kinds of more interesting program expenditures that we might like to make, or in fact, property tax relief that we might like to make. But they are, indeed, part of our responsibility for the oversight of state government and those items are in there. It also includes, as you all well know, the combined efforts of groups that worked on what the additional spending package, in terms of tabled bills, would be. Some other one-time spending from one-time sources. It still avoids some of the deeper cuts that we had been concerned about in earlier discussions on the budget. For instance, we have continued to preserve a significant amount for funding for the Fund For A Healthy Maine programs, etc. With that, I would urge you to support the Majority Report.

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-724) **READ.**

House Amendment "I" (H-740) to Committee Amendment "A" (H-724) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you, Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose her question.

Senator **RAND:** What does House Amendment "I" (H-740) do? To anybody who cares to answer.

**THE PRESIDENT:** The Senator from Cumberland, Senator Rand has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. Amendment "I" does two things. The first is a small technical correction. The more substantive one is that it removes a portion of L.D. 855 as amended. That portion being a bill that is currently tabled in the Senate regarding the alteration of fines through the Clean Election Campaign Program. Since that is a bill currently under consideration in the Senate, it is not necessary to include it in this document.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Douglass.

Senator **DOUGLASS:** Mr. President, point of order. I would like to pose a question.

**THE PRESIDENT:** The Senator may pose her question.

Senator **DOUGLASS:** Because the House Amendment H-740 does not appear to delete the provision that I understand to be at issue, which is quadruple T, I wonder if there might be a further recess to discover whether that is, in fact, a correct amendment?

**THE PRESIDENT:** The Senator from Androscoggin, Senator Douglass has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT:** Thank you, Mr. President. I'll endeavor to respond to the question from the good Senator from Androscoggin, Senator Douglass. My understanding is that this amendment would conflict with some members of the legislature's ability to consider voting on the budget and that perhaps it would be a better tool to put in L.D. 1809, which encompasses the changes that are sought to be removed here, as a free standing bill and have it considered in that context rather than put members in jeopardy of having to defer from voting at all on this very important bill because of the limited nature of their conflict. Thank you.

House Amendment "I" (H-740) to Committee Amendment "A" (H-724) **ADOPTED**, in concurrence.

House Amendment "J" (H-741) to Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **MITCHELL** of Penobscot, Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you, Mr. President, women and men of the Senate. This amendment amends the laws governing the General Purpose Aid to local school programs. It is my understanding that the state policy rational behind the current law is from both a student equity and a taxpayer equity prospective. A local school unit must raise its full share of the foundation allocation in order to receive the full state share of the foundation allocation, otherwise students and taxpayers of those school units that do make the required local effort will be unfairly disadvantaged by those school units that do not make the required local effort. What this does is, this provides some protections to those small rural school units who do not have the capacity to raise the required local share of the foundation allocation. It is going to provide some degree of local control over school budgets. It is going to set clear expectations for local school units for the next 2 fiscal years, regardless of the final legislative appropriation for GPA. It will establish mill-rates that approximate the estimated state wide local share of the foundation allocation divided by the state valuation. So what happens, the amendment will limit the reduction and the state's share of the foundation allocation for each school administrative unit that raises its local share of the foundation allocation if the administrative unit has raised 9 mills in fiscal year 01-02 and 10 mills in fiscal year 02-03. I would ask your support on this amendment and I would ask for a division.

Senator **MITCHELL** of Penobscot requested a Division.

Senator **GOLDTHWAIT** of Hancock moved Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724) be **INDEFINITELY POSTPONED**.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. Whatever amendments may be offered to this budget at this point, unfortunately, regardless of their merit, it is a difficult thing to accommodate changes in a package that has been many weeks in construction. At the risk of upsetting, what is now an extremely fragile balance on a budget that, in the best case, could be completed in the next two to three days, I would urge you to vote in favor of the pending motion to Indefinitely Postpone this amendment.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President and men and women of the Senate. Not merely out of committee loyalty but also on the merits, I would ask you to join with the Senator from Hancock, Senator Goldthwait, in supporting the pending motion and defeating the amendment. In simple terms, in order to participate in receiving funds under our school funding formula, there is a certain amount of local effort that is required of our school districts. If memory serves me, the average amount of money raised in the State of Maine for school funding is around 11 mills. We have many towns, some of them very poor, some of them very rural, some of them not so, that raise as much as 12, 13, or 14 mills to support their local schools. We have other towns more fortunate. In some cases they can get by with raising 5 mills. The entire northern woods, the unorganized territory, is a school district in itself and it has a mill rate of 5 for education for about 1,200 kids. But under the school funding formula, we do have some schools that raise 8 or 9 mills and I think the intent of the current budget bill, that is the current formula that the Education Committee has supplied to us, in order to get your full funding under the formula, you would have to raise, I think, something like 9.5 or 10 mills, which is slightly below the state's average. But there is an implied contract here. That is, on the one hand, if the state agrees to support local education, but on the other hand, we must have the commitment of the local district, no matter how poor it may be, to raise funds in accordance with its capacity. As I understand the intent of the amendment that lies before you, it would lower the standard somewhat so that instead of having to raise 9.5 or 10 mills as your local effort, you might get by with only raising 9 mills and still get the same distribution under the school funding formula. The Education Committee has considered this in great depth, I believe they have a unanimous report behind the formula that is presently the foundation of our budget, and I think to readjust the formula on the floor would be a mistake. I recommend that the committee, itself, consider this issue during its summer deliberations and during the deliberations next January. If there should be some need to lower the required local contribution, it might best be done within the Education Committee at this juncture. I appreciate that there are some towns that have difficulty in raising 9.5, 10, or 11 mills to participate fully in our school funding formula, but there must be some threshold standard. At this juncture I'm prepared to defer to the unanimous report from the Education Committee, and I might add, to the decision of the Appropriations Committee to include that in this budget at that level. For that reason, I ask you to join in voting for the presently pending motion to Indefinitely Postpone the amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you, Mr. President, ladies and gentlemen of the Senate. To just explain or clarify the statements that have been made. What we are doing is we're saying the towns and the school districts that have recognized what the state established rate is of mills that they should raise and have raised that. That is why we're saying over 9 in 01-02 and over 10 in 02-03. They've given the concerted effort to raise the mills that high. So we're not going to penalize them by taking

away some of their local share. However, there are many, many, as we know when we protected the tier-two towns whose mill rates are down into 4, 5, 6, and 7, who do still get their full appropriations. What it is trying to do is protect the school units who are getting over the 9 for their share and over 10 next year in the mills. However, we do have a committee that is working this summer and they are going to be working on the formula and they are going to be addressing the needs for a formula that will work with essential programs and services. However, because the budget is being considered, this doesn't add or take away money, it just tries to protect these schools that will be involved before the results of this summer's work and the formula goes into effect for next year's budget. So I would ask you to join me in voting against the Indefinite Postponement. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Mr. President, men and women of the Senate. The Education Committee will be studying this issue this summer and I hope you will join me in voting to Indefinitely Postpone this amendment. The funding formula is enormously complicated. I am very nervous to think that we might, without any deliberation and study, change the funding formula in this vote today. So please join me in voting to Indefinite Postpone.

The Chair ordered a Division. 28 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-364) to Committee Amendment "A" (H-724), **PREVAILED**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-724) as Amended by House Amendments "I" (H-740) and "J" (H-741) thereto, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution: H.P. 1380

**JOINT RESOLUTION MEMORIALIZING THE  
PRESIDENT OF THE UNITED STATES,  
THE UNITED STATES SECRETARY OF COMMERCE  
AND THE UNITED STATES SECRETARY OF  
THE INTERIOR NOT TO DRILL FOR OIL  
OR NATURAL GAS ON GEORGES BANK**

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the United States Secretary of Commerce and the United States Secretary of the Interior, as follows:

WHEREAS, the area off the coast of New England between Cape Cod and Nova Scotia, known as Georges Bank, is one of the best fishing locations in the world, with bountiful populations of lobster and fish, and supports a fishing industry integral to the economies and lifestyles within the United States, Canada and other nations; and

WHEREAS, for over 20 years the United States Government has banned drilling for oil and natural gas on Georges Bank and the fishing industries, private enterprises, environmentalists and the government have long cooperated to preserve the natural abundance of that area; and

WHEREAS, the Congress of the United States has approved one-year moratoriums on drilling since 1982 and former President George Bush and former President William Clinton each issued administrative orders to prohibit coastal drilling until at least 2012; and

WHEREAS, it has recently been suggested that the ban on drilling on Georges Bank be reconsidered in order to find potential oil and gas deposits; and

WHEREAS, lifting this ban has been opposed by Maine's entire congressional delegation as well as all 5 of New England's Republican United States Senators, scientists, environmentalists and the business and tourist communities; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Secretary of Commerce and the United States Secretary of the Interior support the current ban on drilling on Georges Bank, as did the President's predecessors, and listen to the people of the area who do not want drilling to occur and who wish to not risk any damage to the most vital fishing bank in the world; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the United States Secretary of Commerce and the United States Secretary of the Interior and to each Member of the Maine Congressional Delegation and the Governor of the State of Maine.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

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Off Record Remarks

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Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Emergency Measure**

An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species

S.P. 630 L.D. 1812  
(H "C" H-694; H "D" H-696; H "E" H-700)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (6/7/01) Assigned matter:

An Act Related to the Suspension of Property Tax Abatement Appeals When the Taxpayer is Delinquent in Paying Taxes  
H.P. 1367 L.D. 1824

Tabled - June 7, 2001, by Senator **GAGNON** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2001, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 6, 2001, **PASSED TO BE ENACTED**.)

**PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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Senator **DAGGETT** of Kennebec was granted unanimous consent to address the Senate off the Record.

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