

**123rd Legislature LD 2289 HP1651
Acted Upon Without Reference to A
Committee**

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009. (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.) Suggested Reference: Committee on Appropriations and Financial Affairs. **Presented by Representative FISCHER of Presque Isle. Engrossed Without Reference 03/31/08. Final Disposition:** Enacted, Signed 03/31/08, PUBLIC LAWS, Chapter 539.

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

funding of the Urban-Rural Initiative Program due to the decrease in the Highway Fund allocation to the Department of Transportation for highway purposes for fiscal year 2007-08 must be implemented in fiscal year 2008-09.

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

Effective March 31, 2008.

CHAPTER 539

H.P. 1651 - L.D. 2289

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

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

PART A

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accident - Sickness - Health Insurance 0455

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

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

Administration - Human Resources 0038

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

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

Administration - Human Resources 0038

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

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

Administration - Human Resources 0038

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$13,487)	\$0
GENERAL FUND TOTAL	(\$13,487)	\$0

Budget - Bureau of the 0055

Initiative: Reduces funding for Personal Services and information technology from the management of vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$90,000)	\$0
All Other	(\$2,939)	(\$4,645)
GENERAL FUND TOTAL	(\$92,939)	(\$4,645)

Buildings and Grounds Operations 0080

Initiative: Reduces the headcount in the Real Property Lease Internal Service Fund. The headcount was in-

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$33,044	\$25,789
All Other	(\$33,044)	(\$25,789)
GENERAL FUND TOTAL	\$0	\$0

State Police 0291

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,271	\$3,040
All Other	(\$4,271)	(\$3,040)
GENERAL FUND TOTAL	\$0	\$0

**PUBLIC SAFETY,
DEPARTMENT OF**

DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board 0183

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$53,128	\$32,540
OTHER SPECIAL REVENUE FUNDS TOTAL	\$53,128	\$32,540

WORKERS' COMPENSATION BOARD

DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$53,128	\$32,540
DEPARTMENT TOTAL - ALL FUNDS	\$53,128	\$32,540

SECTION TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$252,764	\$201,156
FUND FOR A HEALTHY MAINE	\$22,379	\$12,584
OTHER SPECIAL REVENUE FUNDS	\$454,045	\$317,546
FEDERAL BLOCK GRANT FUND	\$49,067	\$34,568
FINANCIAL AND PERSONNEL SERVICES FUND	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND	\$43,357	\$45,600
CENTRAL MOTOR POOL	\$13,314	\$12,355
SECTION TOTAL - ALL FUNDS	\$834,926	\$623,809

PART C

Sec. C-1. 20-A MRSA §4102, sub-§4, ¶A, as enacted by PL 1983, c. 422, §17, is amended to read:

A. Elementary schools in school administrative districts and community school districts may only be closed if approved by the voters in accordance with the procedures set out in section 1407 and ~~section 1751, subsection 5~~ 1512 for regional school units.

Sec. C-2. 20-A MRSA §5806, sub-§2, as amended by PL 1987, c. 463, is further amended to read:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school shall be is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor shall be is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 10% of a school's legal tuition rate per student in any one year ~~beginning with the 1988-89 school year.~~ For the 2008-09 school year only, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate per student, unless the legislative

body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student.

~~For the 1988-89 school year only the state share of the increase in the insured value factor shall be paid in the year of allocation.~~

Sec. C-3. 20-A MRSA §15671, sub-§7, ¶A, as amended by PL 2005, c. 2, Pt. D, §34 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

A. The base total calculated pursuant to section 15683, subsection 2 is subject to the following annual targets.

- (1) For fiscal year 2005-06, the target is 84%.
- (2) For fiscal year 2006-07, the target is 90%.
- (3) For fiscal year 2007-08, the target is 95%.
- (4) For fiscal year 2008-09 and succeeding years, the target is ~~100%~~ 97%.
- (5) For fiscal year 2009-10 and succeeding years, the target is 100%.

Sec. C-4. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2007, c. 240, Pt. C, §2, is further amended to read:

B. The annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services are as follows.

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09 and succeeding years, the target is ~~55%~~ 54.01%.
- (5) For fiscal year 2009-10 and succeeding years, the target is 55%.

Sec. C-5. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2007, c. 240, Pt. XXXX, §24, is further amended to read:

B. For property tax years beginning on or after April 1, 2005, the commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valua-

tion. The full-value education mill rate must decline over the period from fiscal year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation. Full-value education mill rates must be derived according to the following schedule.

- (1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.
- (2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.
- (3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 45.56% statewide total local share in fiscal year 2007-08.
- (4) ~~Except as provided in subparagraph (6), for the 2008 property tax year and subsequent tax years,~~ the full-value education mill rate is the amount necessary to result in a ~~45.0%~~ 45.99% statewide total local share in fiscal year 2008-09 and after.

(4-A) Except as provided in subparagraph (6), for the 2009 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45.0% statewide total local share in fiscal year 2009-10 and after.

(6) For school administrative units that do not conform to the requirements of chapter 103-A for the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2009-10 and after.

Sec. C-6. 20-A MRSA §15675, sub-§1, ¶A, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

A. For a school administrative unit with 15 or fewer limited English proficiency students, the unit receives an additional weight of ~~.50~~ .70 per student;

Sec. C-7. 20-A MRSA §15675, sub-§1, ¶B, as amended by PL 2005, c. 12, Pt. UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

B. For a school administrative unit with more than 15 and fewer than 251 limited English profi-

ciency students, the unit receives an additional weight of ~~30~~ .50 per student;

Sec. C-8. 20-A MRSA §15675, sub-§1, ¶C, as amended by PL 2005, c. 12, Pt. UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

C. For a school administrative unit with 251 or more limited English proficiency students, the unit receives an additional weight of ~~60~~ .525 per student; and

Sec. C-9. 20-A MRSA §15683-A, as enacted by PL 2005, c. 2, Pt. D, §49 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

§15683-A. Total debt service allocation

For each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A. For the 2008-09 funding year only, for each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A excluding 80% of the insured value factor pursuant to section 15672, subsection 2-A, paragraph C.

Sec. C-10. 20-A MRSA §15689, sub-§1, ¶B, as amended by PL 2007, c. 240, Pt. C, §3, is further amended to read:

B. The school administrative unit's special education costs as calculated pursuant to section 15681-A, subsection 2 multiplied by the following transition percentages:

- (1) In fiscal year 2005-06, 84%;
- (2) In fiscal year 2006-07, 84%;
- (3) In fiscal year 2007-08, 84%; and
- (4) In fiscal year 2008-09 ~~and succeeding years, 100%.~~ 50%; and
- (5) In fiscal year 2009-10 and succeeding years, 84%.

Sec. C-11. 20-A MRSA §15689-A, sub-§12-A, as enacted by PL 2007, c. 240, Pt. D, §9, is amended to read:

12-A. Learning through technology. The commissioner may pay costs attributed to staff support and system maintenance for a program that promotes learning through technology. A transfer of All Other funds from the General Purpose Aid for Local Schools account to Personal Services and All Other line categories in the Learning Through Technology General Fund nonlapsing account sufficient to support the Personal Services and All Other costs of one Education Team and Policy Director position, ~~one~~ 2 Education Specialist III ~~position~~ positions, one Planning and Research Associate I position, one Director of Special

Projects position, one Education Specialist II position, the General Fund share of one Education Specialist II position and the agreement that provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. C-12. 20-A MRSA §15689-A, sub-§16 is enacted to read:

16. Transportation administration. The commissioner may pay costs attributed to staff support and system maintenance necessary to implement the transportation requirements of this chapter and chapter 215. A transfer of All Other funds from the General Purpose Aid for Local Schools account to Personal Services and All Other line categories in the Support Systems General Fund account sufficient to support the Personal Services and All Other costs of one Education Specialist III position may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. C-13. 20-A MRSA §15689-B, sub-§7, as enacted by PL 2005, c. 2, Pt. D, §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

7. Required data; subsidy payments withheld. A school administrative unit shall provide the commissioner with information that the commissioner requests to carry out the purposes of this chapter, according to time schedules that the commissioner establishes. The commissioner may withhold monthly subsidy payments from a school administrative unit when information is not filed in the specified format and with specific content and within the specified time schedules. If the school administrative unit files the information in the specified format, the Department of Education shall include the payment of the withheld subsidy in the next regularly scheduled monthly subsidy payment.

Sec. C-14. 20-A MRSA §15689-B, sub-§7-A is enacted to read:

7-A. Penalty for late submission of required data. Notwithstanding any other provision of this Title, the commissioner may implement the following subsidy penalty for a school administrative unit that is not in compliance with subsection 7. If a school administrative unit has not filed the required data pursuant to subsection 7 within 3 months of the due date, a penalty equal to 1% of that unit's monthly subsidy check times the number of months past due is assessed.

Sec. C-15. 20-A MRSA §15690, sub-§1, ¶C, as enacted by PL 2005, c. 2, Pt. D, §62 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

C. The state share of the total cost of funding public education from kindergarten to grade 12 as described in section 15688, excluding state-funded debt service for each school administrative unit, is limited to the same proportion as the local school administrative unit raises of its required contribution to the total cost of education as described in section 15688, excluding state-funded debt service costs. For school administrative units that annually demonstrate savings by purchasing supplies using an electronic bidding forum, the commissioner may suspend all or a portion of any adjustment to the unit's state contribution pursuant to this paragraph.

¶A. Sec. C-16. 20-A MRSA §15905, sub-§1, as amended by PL 2005, c. 519, Pt. J, §3, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15672, subsection 2-A, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$ 48,000,000
1991	\$ 57,000,000
1992	\$ 65,000,000
1993	\$ 67,000,000
1994	\$ 67,000,000
1995	\$ 67,000,000
1996	\$ 67,000,000
1997	\$ 67,000,000
1998	\$ 67,000,000
1999	\$ 69,000,000
2000	\$ 72,000,000
2001	\$ 74,000,000
2002	\$ 74,000,000
2003	\$ 80,000,000
2004	\$ 80,000,000
2005	\$ 84,000,000
2006	\$ 90,000,000
2007	\$ 96,000,000
2008	\$100,000,000
2009	\$104,000,000
2010	\$108,000,000
2011	\$126,000,000
2012	<u>\$126,000,000</u>
2013	<u>\$126,000,000</u>

Sec. C-17. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2008-09 is 6.55.

Sec. C-18. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2008-09 is as follows:

	2008-09
Total Operating Allocation	TOTAL
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,327,003,735
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,287,193,623
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$371,300,906
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,658,494,529
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$91,354,060
Total Adjustments and Miscellaneous Costs	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, section 15689 and 15689-A	\$71,177,813
Total Cost of Funding Public Education from Kindergarten to Grade 12	
Total cost of funding public education from kindergarten to grade 12 for fiscal year 2008-09 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,821,026,402

Sec. C-19. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2008 and ending June 30, 2009 is calculated as follows:

	2008-09	2008-09
	LOCAL	STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$837,488,866	\$983,537,536

Sec. C-20. Limit of State's obligation. If the State's continued obligation for any individual component contained in sections 18 and 19 of this Part exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from section 5 of this Part may not lapse but must be carried forward for the same purpose.

Sec. C-21. Authorization of payments. Sections 18 and 19 of this Part may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Sec. C-22. Fiscal year 2007-08 carry forward. Notwithstanding any other provision of law, in implementing the \$500,000 reduction in fiscal year 2008-09, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf must exhaust all funds carried forward from the 2007-08 fiscal year before reducing any educational programs and services provided to students.

Sec. C-23. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 20-A, section 4102, subsection 4, paragraph A applies retroactively to June 7, 2007.

PART D

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Administration - Human Resources 0038

Initiative: Eliminates one Personnel Assistant position. The merger of the Office of Employee Relations with the Bureau of Human Resources on July 1, 2007 has revealed additional opportunities for efficiency resulting in the elimination of the position as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$59,161)
GENERAL FUND TOTAL	\$0	(\$59,161)

Budget - Bureau of the 0055

Initiative: Eliminates one Budget Analyst position that is currently vacant, eliminates one Budget Examiner position and creates one Senior Budget Analyst position as part of the reorganization of the Bureau of the Budget to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$54,329)
GENERAL FUND TOTAL	\$0	(\$54,329)

Buildings and Grounds Operations 0080

Initiative: Reduces funding for heating fuel and electricity from savings achieved through the leasing of the Stone Building on the East Campus as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$300,000)
GENERAL FUND TOTAL	\$0	(\$300,000)

Buildings and Grounds Operations 0080

Initiative: Eliminates one Institutional Custodial Worker I position and reclassifies 2 Institutional Custodial Worker I positions to 2 Building Custodian positions as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
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PART W

Sec. W-1. 20-A MRSA §15689-A, sub-§10, as amended by PL 2007, c. 240, Pt. D, §8, is further amended to read:

10. Data management and support services for essential programs and services. The commissioner may pay costs attributed to system maintenance and staff support necessary to implement the requirements of the Essential Programs and Services Funding Act. A transfer of All Other funds from the General Purpose Aid for Local Schools account to Personal Services in the Management Information Systems account for ~~6-615~~ 11 positions that provide professional and administrative support to general purpose aid for local schools in the department's management information systems program may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. W-2. 20-A MRSA §15689-A, sub-§16 is enacted to read:

16. Coordination of services for juvenile offenders. The commissioner may pay certain costs attributed to staff support and associated operating costs for providing coordination of education, treatment and other services for juvenile offenders at youth development centers in Charleston and South Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the Personal Services and All Other line categories in the Learning Systems program General Fund account within the Department of Education sufficient to support 2 Education Specialist II positions and 2 Office Associate II positions may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. W-3. 20-A MRSA §15689-A, sub-§17 is enacted to read:

17. Special education for juvenile offenders. The commissioner may pay certain costs attributed to staff support and associated operating costs for providing special education to juvenile offenders at youth development centers in Charleston and South Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the Personal Services and All Other line categories in the Long Creek Youth Development Center General Fund account within the Department of Corrections, sufficient to support 2 Teacher positions, and to the Mountain View Youth Development Center General Fund account within the Department of Corrections, sufficient to support one Teacher position, may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

PART X

Sec. X-1. 36 MRSA §2872, sub-§1, as repealed and replaced by PL 2003, c. 467, §5, is amended to read:

1. Residential treatment facilities. The tax imposed on a residential treatment facility under this section is calculated as follows:

A. For the state fiscal year beginning July 1, 2002, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the state fiscal year;

B. For facility fiscal years beginning on or after July 1, 2002 and before July 1, 2003, the tax imposed against each residential treatment facility in addition to the tax imposed pursuant to paragraph A is equal to 6% of its gross patient services revenue for that portion of the facility fiscal year occurring after June 30, 2003; ~~and~~

C. For whole or partial facility fiscal years beginning on or after July 1, 2003 and before January 1, 2008, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year; and

D. Beginning January 1, 2008 for any partial facility fiscal year and for whole facility fiscal years beginning on or after January 1, 2008, the tax imposed against each residential treatment facility is equal to 5.5% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year.

Sec. X-2. 36 MRSA §2872, sub-§2, as repealed and replaced by PL 2003, c. 467, §5, is amended to read:

2. Nursing homes. The tax imposed on a nursing home under this section is calculated as follows:

A. For the state fiscal year beginning July 1, 2002, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the state fiscal year;

B. For facility fiscal years beginning on or after July 1, 2002 and before July 1, 2003, the tax imposed against each nursing home in addition to the tax imposed pursuant to paragraph A is equal to 6% of its net operating revenue for that portion of the facility fiscal year occurring after June 30, 2003; ~~and~~

C. For whole or partial facility fiscal years beginning on or after July 1, 2003 and before January 1, 2008, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the corresponding whole or partial facility fiscal year; and

D. Beginning January 1, 2008 for any partial facility fiscal year and for whole facility fiscal years beginning on or after January 1, 2008, the tax imposed against each nursing home is equal to 5.5% of its annual net operating revenue for the corresponding whole or partial facility fiscal year.

PART Y

Sec. Y-1. 34-B MRSA §5481, as enacted by PL 1995, c. 685, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

PART Z

Sec. Z-1. Rename Office of Licensing and Regulatory Services program. Notwithstanding any other provision of law, the "Office of Licensing and Regulatory Services" program within the Department of Health and Human Services is renamed the "Division of Licensing and Regulatory Services" program.

Sec. Z-2. Rename State Boarding Homes program. Notwithstanding any other provision of law, the "State Boarding Homes" program within the Department of Health and Human Services is renamed the "MR/Elderly PNMI Room and Board" program.

Sec. Z-3. Rename Foster Care program. Notwithstanding any other provision of law, the "Foster Care" program within the Department of Health and Human Services is renamed the "IV-E Foster Care/Adoption Assistance" program.

Sec. Z-4. Rename Child Welfare Services program. Notwithstanding any other provision of law, the "Child Welfare Services" program within the Department of Health and Human Services is renamed the "State-Funded Foster Care/Adoption Assistance" program.

PART AA

Sec. AA-1. PL 2007, c. 240, Pt. X, §3 is amended to read:

Sec. X-3. Authorized MaineCare program transfers defined. The authority to transfer funds pursuant to section 2 of this Part is limited to the following General Fund programs:

1. Medical Care - Payments to Providers;
2. Nursing Facilities;
3. Medicaid Match - Mental Retardation;
4. Mental Health Services - Child Medicaid;
5. Mental Health Services - Community Medicaid;
6. Mental Retardation Waiver - MaineCare Waiver;
7. Office of Substance Abuse - Medicaid Seed;

8. Low-cost Drugs to Maine's Elderly; and
9. Bureau of Medical Services;
10. Mental Retardation Waiver - Supports; and
11. MR/Elderly PNMI Room and Board.

PART BB

Sec. BB-1. Disproportionate Share - Dorothea Dix Psychiatric Center; lapsed balances. Notwithstanding any other provision of law, \$730,641 of the unencumbered balance in fiscal year 2007-08 in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account in the Department of Health and Human Services lapses to the General Fund in fiscal year 2007-08.

Sec. BB-2. Disproportionate Share - Riverview Psychiatric Center; lapsed balances. Notwithstanding any other provision of law, \$331,921 of the unencumbered balance in fiscal year 2007-08 in the Disproportionate Share - Riverview Psychiatric Center General Fund account in the Department of Health and Human Services lapses to the General Fund in fiscal year 2007-08.

Sec. BB-3. Low-cost Drugs to Maine's Elderly; transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$300,000 in fiscal year 2007-08 from the Low-cost Drugs to Maine's Elderly, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund no later than June 30, 2008.

PART CC

Sec. CC-1. PL 2007, c. 1, Pt. K, §1 is amended to read:

Sec. K-1. Transfer from Personal Services - Dorothea Dix Psychiatric Center to All Other. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available Personal Services salary savings in Dorothea Dix Psychiatric Center accounts, which result from Physician positions, Nurse positions and Psychologist positions that are vacant as a result of the inability to recruit, may be transferred to All Other by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. CC-2. PL 2007, c. 1, Pt. K, §2 is amended to read:

Sec. K-2. Transfer from Personal Services - Riverview Psychiatric Center to All Other. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available Personal Services salary savings in Riverview Psychiatric Center accounts, which result from Physician positions, Nurse positions and Psychologist positions that are vacant as a result of the inability to recruit,



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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

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

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

(AFTER DEADLINE)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FISCHER of Presque Isle.

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

2 PART A

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

5 ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

6 Accident - Sickness - Health Insurance 0455

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

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

14 Administration - Human Resources 0038

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

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

26 Administration - Human Resources 0038

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

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

1	WORKERS' COMPENSATION BOARD		
2	DEPARTMENT TOTALS	2007-08	2008-09
3			
4	OTHER SPECIAL REVENUE FUNDS	\$53,128	\$32,540
5			
6	DEPARTMENT TOTAL - ALL FUNDS	<u>\$53,128</u>	<u>\$32,540</u>
7	SECTION TOTALS	2007-08	2008-09
8			
9	GENERAL FUND	\$0	\$0
10	FEDERAL EXPENDITURES FUND	\$252,764	\$201,156
11	FUND FOR A HEALTHY MAINE	\$22,379	\$12,584
12	OTHER SPECIAL REVENUE FUNDS	\$454,045	\$317,546
13	FEDERAL BLOCK GRANT FUND	\$49,067	\$34,568
14	FINANCIAL AND PERSONNEL SERVICES	\$0	\$0
15	FUND		
16	OFFICE OF INFORMATION SERVICES	\$43,357	\$45,600
17	FUND		
18	CENTRAL MOTOR POOL	\$13,314	\$12,355
19			
20	SECTION TOTAL - ALL FUNDS	<u>\$834,926</u>	<u>\$623,809</u>

21 PART C

22 Sec. C-1. 20-A MRSA §4102, sub-§4, ¶A, as enacted by PL 1983, c. 422, §17,
23 is amended to read:

24 A. Elementary schools in school administrative districts and community school
25 districts may only be closed if approved by the voters in accordance with the
26 procedures set out in section 4407 and section 1751, subsection 5 1512 for regional
27 school units.

28 Sec. C-2. 20-A MRSA §5806, sub-§2, as amended by PL 1987, c. 463, is further
29 amended to read:

30 2. Maximum allowable tuition. The maximum allowable tuition charged to a
31 school administrative unit by a private school shall be is the rate established under
32 subsection 1 or the state average per public secondary student cost as adjusted, whichever
33 is lower, plus an insured value factor. The insured value factor shall be is computed by
34 dividing 5% of the insured value of school buildings and equipment by the average
35 number of pupils enrolled in the school on October 1st and April 1st of the year

1 immediately before the school year for which the tuition charge is computed. It may not
2 exceed 10% of a school's legal tuition rate per student in any one year beginning with the
3 1988-89 school year. For the 2008-09 school year only, a school administrative unit is
4 not required to pay an insured value factor greater than 5% of the school's tuition rate per
5 student, unless the legislative body of the school administrative unit votes to authorize its
6 school board to pay a higher insured value factor that is no greater than 10% of the
7 school's tuition rate per student.

8 For the 1988-89 school year only the state share of the increase in the insured value factor
9 shall be paid in the year of allocation.

10 Sec. C-3. 20-A MRSA §15671, sub-§7, ¶A, as amended by PL 2005, c. 2, Pt. D,
11 §34 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

12 A. The base total calculated pursuant to section 15683, subsection 2 is subject to the
13 following annual targets.

- 14 (1) For fiscal year 2005-06, the target is 84%.
- 15 (2) For fiscal year 2006-07, the target is 90%.
- 16 (3) For fiscal year 2007-08, the target is 95%.
- 17 (4) For fiscal year 2008-09 and succeeding years, the target is 100% 97%.
- 18 (5) For fiscal year 2009-10 and succeeding years, the target is 100%.

19 Sec. C-4. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2007, c. 240, Pt.
20 C, §2, is further amended to read:

21 B. The annual targets for the state share percentage of the statewide adjusted total
22 cost of the components of essential programs and services are as follows.

- 23 (1) For fiscal year 2005-06, the target is 52.6%.
- 24 (2) For fiscal year 2006-07, the target is 53.86%.
- 25 (3) For fiscal year 2007-08, the target is 53.51%.
- 26 (4) For fiscal year 2008-09 and succeeding years, the target is 55% 54.01%.
- 27 (5) For fiscal year 2009-10 and succeeding years, the target is 55%.

28 Sec. C-5. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2007, c. 240,
29 Pt. XXXX, §24, is further amended to read:

30 B. For property tax years beginning on or after April 1, 2005, the commissioner shall
31 calculate the full-value education mill rate that is required to raise the statewide total
32 local share. The full-value education mill rate is calculated for each fiscal year by
33 dividing the applicable statewide total local share by the applicable statewide
34 valuation. The full-value education mill rate must decline over the period from fiscal
35 year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-
36 06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill
37 rate must be applied according to section 15688, subsection 3-A, paragraph A to

1 determine a municipality's local cost share expectation. Full-value education mill
2 rates must be derived according to the following schedule.

3 (1) For the 2005 property tax year, the full-value education mill rate is the
4 amount necessary to result in a 47.4% statewide total local share in fiscal year
5 2005-06.

6 (2) For the 2006 property tax year, the full-value education mill rate is the
7 amount necessary to result in a 46.14% statewide total local share in fiscal year
8 2006-07.

9 (3) For the 2007 property tax year, the full-value education mill rate is the
10 amount necessary to result in a 45.56% statewide total local share in fiscal year
11 2007-08.

12 (4) ~~Except as provided in subparagraph (6), for~~ For the 2008 property tax year
13 ~~and subsequent tax years, the full-value education mill rate is the amount~~
14 ~~necessary to result in a 45.0% 45.99%~~ statewide total local share in fiscal year
15 2008-09 ~~and after.~~

16 (4-A) Except as provided in subparagraph (6), for the 2009 property tax year and
17 subsequent tax years, the full-value education mill rate is the amount necessary to
18 result in a 45.0% statewide total local share in fiscal year 2009-10 and after.

19 (6) For school administrative units that do not conform to the requirements of
20 chapter 103-A for the 2009 property tax year, the full-value education mill rate is
21 the amount necessary to result in a 46.14% statewide total local share in fiscal
22 year 2009-10 and after.

23 **Sec. C-6. 20-A MRSA §15675, sub-§1, ¶A**, as enacted by PL 2003, c. 504, Pt.
24 A, §6, is amended to read:

25 A. For a school administrative unit with 15 or fewer limited English proficiency
26 students, the unit receives an additional weight of ~~50~~ 70 per student;

27 **Sec. C-7. 20-A MRSA §15675, sub-§1, ¶B**, as amended by PL 2005, c. 12, Pt.
28 UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

29 B. For a school administrative unit with more than 15 and fewer than 251 limited
30 English proficiency students, the unit receives an additional weight of ~~30~~ 50 per
31 student;

32 **Sec. C-8. 20-A MRSA §15675, sub-§1, ¶C**, as amended by PL 2005, c. 12, Pt.
33 UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

34 C. For a school administrative unit with 251 or more limited English proficiency
35 students, the unit receives an additional weight of ~~60~~ 525 per student; and

36 **Sec. C-9. 20-A MRSA §15683-A**, as enacted by PL 2005, c. 2, Pt. D, §49 and
37 affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

1 **§15683-A. Total debt service allocation**

2 For each school administrative unit, that unit's total debt service allocation is that
3 unit's debt service costs as defined in section 15672, subsection 2-A. ~~For the 2008-09~~
4 ~~funding year only, for each school administrative unit, that unit's total debt service~~
5 ~~allocation is that unit's debt service costs as defined in section 15672, subsection 2-A~~
6 ~~excluding 80% of the insured value factor pursuant to section 15672, subsection 2-A,~~
7 ~~paragraph C.~~

8 **Sec. C-10. 20-A MRSA §15689, sub-§1, ¶B**, as amended by PL 2007, c. 240,
9 Pt. C, §3, is further amended to read:

10 B. The school administrative unit's special education costs as calculated pursuant to
11 section 15681-A, subsection 2 multiplied by the following transition percentages:

12 (1) In fiscal year 2005-06, 84%;

13 (2) In fiscal year 2006-07, 84%;

14 (3) In fiscal year 2007-08, 84%; and

15 (4) In fiscal year 2008-09 and succeeding years, ~~100%~~ 50%; and

16 (5) In fiscal year 2009-10 and succeeding years, 84%.

17 **Sec. C-11. 20-A MRSA §15689-A, sub-§12-A**, as enacted by PL 2007, c. 240,
18 Pt. D, §9, is amended to read:

19 **12-A. Learning through technology.** The commissioner may pay costs attributed
20 to staff support and system maintenance for a program that promotes learning through
21 technology. A transfer of All Other funds from the General Purpose Aid for Local
22 Schools account to Personal Services and All Other line categories in the Learning
23 Through Technology General Fund ~~nonlapsing~~ account sufficient to support the Personal
24 Services and All Other costs of one Education Team and Policy Director position, ~~one~~ 2
25 Education Specialist III ~~position~~ positions, one Planning and Research Associate I
26 position, ~~one Director of Special Projects position, one Education Specialist II position,~~
27 ~~the General Fund share of one Education Specialist II position~~ and the agreement that
28 provides one-to-one wireless computers for 7th grade, 8th grade and high school students
29 and educators may occur annually by financial order upon recommendation of the State
30 Budget Officer and approval of the Governor.

31 **Sec. C-12. 20-A MRSA §15689-A, sub-§16** is enacted to read:

32 **16. Transportation administration.** ~~The commissioner may pay costs attributed to~~
33 ~~staff support and system maintenance necessary to implement the transportation~~
34 ~~requirements of this chapter and chapter 215. A transfer of All Other funds from the~~
35 ~~General Purpose Aid for Local Schools account to Personal Services and All Other line~~
36 ~~categories in the Support Systems General Fund account sufficient to support the~~
37 ~~Personal Services and All Other costs of one Education Specialist III position may occur~~
38 ~~annually by financial order upon recommendation of the State Budget Officer and~~
39 ~~approval of the Governor.~~

1 Sec. C-13. 20-A MRSA §15689-B, sub-§7, as enacted by PL 2005, c. 2, Pt. D,
2 §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

3 7. **Required data; subsidy payments withheld.** A school administrative unit shall
4 provide the commissioner with information that the commissioner requests to carry out
5 the purposes of this chapter, according to time schedules that the commissioner
6 establishes. The commissioner may withhold monthly subsidy payments from a school
7 administrative unit when information is not filed in the specified format and with specific
8 content and within the specified time schedules. If the school administrative unit files the
9 information in the specified format, the Department of Education shall include the
10 payment of the withheld subsidy in the next regularly scheduled monthly subsidy
11 payment.

12 Sec. C-14. 20-A MRSA §15689-B, sub-§7-A is enacted to read:

13 7-A. **Penalty for late submission of required data.** Notwithstanding any other
14 provision of this Title, the commissioner may implement the following subsidy penalty
15 for a school administrative unit that is not in compliance with subsection 7. If a school
16 administrative unit has not filed the required data pursuant to subsection 7 within 3
17 months of the due date, a penalty equal to 1% of that unit's monthly subsidy check times
18 the number of months past due is assessed.

19 Sec. C-15. 20-A MRSA §15690, sub-§1, ¶C, as enacted by PL 2005, c. 2, Pt. D,
20 §62 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

21 C. The state share of the total cost of funding public education from kindergarten to
22 grade 12 as described in section 15688, excluding state-funded debt service for each
23 school administrative unit, is limited to the same proportion as the local school
24 administrative unit raises of its required contribution to the total cost of education as
25 described in section 15688, excluding state-funded debt service costs. For school
26 administrative units that annually demonstrate savings by purchasing supplies using
27 an electronic bidding forum, the commissioner may suspend all or a portion of any
28 adjustment to the unit's state contribution pursuant to this paragraph.

29 Sec. C-16. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 2005, c. 519,
30 Pt. J, §3, is further amended to read:

31 A. The state board may approve projects as long as no project approval will cause
32 debt service costs, as defined in section 15672, subsection 2-A, paragraph A, to
33 exceed the maximum limits specified in Table 1 in subsequent fiscal years.

		Table 1	Maximum Debt Service Limit
1			
2			
3	Fiscal year		
4	1990		\$ 48,000,000
5	1991		\$ 57,000,000
6	1992		\$ 65,000,000
7	1993		\$ 67,000,000
8	1994		\$ 67,000,000
9	1995		\$ 67,000,000
10	1996		\$ 67,000,000
11	1997		\$ 67,000,000
12	1998		\$ 67,000,000
13	1999		\$ 69,000,000
14	2000		\$ 72,000,000
15	2001		\$ 74,000,000
16	2002		\$ 74,000,000
17	2003		\$ 80,000,000
18	2004		\$ 80,000,000
19	2005		\$ 84,000,000
20	2006		\$ 90,000,000
21	2007		\$ 96,000,000
22	2008		\$100,000,000
23	2009		\$104,000,000
24	2010		\$108,000,000
25	2011		\$126,000,000
26	2012		<u>\$126,000,000</u>
27	2013		<u>\$126,000,000</u>
28			
29			
30			
31			
32			
33			

28 **Sec. C-17. Mill expectation.** The mill expectation pursuant to the Maine Revised
29 Statutes, Title 20-A, section 15671-A for fiscal year 2008-09 is 6.55.

30 **Sec. C-18. Total cost of funding public education from kindergarten to**
31 **grade 12.** The total cost of funding public education from kindergarten to grade 12 for
32 fiscal year 2008-09 is as follows:

1			2008-09
2			TOTAL
3	Total Operating Allocation		
4			
5	Total operating allocation pursuant to the Maine	\$1,327,003,735	
6	Revised Statutes, Title 20-A, section 15683 without		
7	transitions percentage		
8			
9	Total operating allocation pursuant to the Maine	\$1,287,193,623	
10	Revised Statutes, Title 20-A, section 15683 with 97%		
11	transitions percentage		
12			
13	Total other subsidizable costs pursuant to the Maine	\$371,300,906	
14	Revised Statutes, Title 20-A, section 15681-A		
15			
16	Total Operating Allocation		
17			
18	Total operating allocation pursuant to the Maine	\$1,658,494,529	
19	Revised Statutes, Title 20-A, section 15683 and total		
20	other subsidizable costs pursuant to Title 20-A,		
21	section 15681-A		
22			
23	Total Debt Service Allocation		
24			
25	Total debt service allocation pursuant to the Maine	\$91,354,060	
26	Revised Statutes, Title 20-A, section 15683-A		
27			
28	Total Adjustments and Miscellaneous Costs		
29			
30	Total adjustments and miscellaneous costs pursuant to	\$71,177,813	
31	the Maine Revised Statutes, Title 20-A, section 15689		
32	and 15689-A		
33			
34	Total Cost of Funding Public Education from		
35	Kindergarten to Grade 12		
36			
37	Total cost of funding public education from	\$1,821,026,402	
38	kindergarten to grade 12 for fiscal year 2008-09		
39	pursuant to the Maine Revised Statutes, Title 20-A,		
40	chapter 606-B		

41 **Sec. C-19. Local and state contributions to total cost of funding public**
42 **education from kindergarten to grade 12.** The local contribution and the state

1 contribution appropriation provided for general purpose aid for local schools for the fiscal
2 year beginning July 1, 2008 and ending June 30, 2009 is calculated as follows:

3		2008-09	2008-09
4		LOCAL	STATE
5	Local and State Contributions to the		
6	Total Cost of Funding Public Education		
7	from Kindergarten to Grade 12		
8			
9	Local and state contributions to the	\$837,488,866	\$983,537,536
10	total cost of funding public education		
11	from kindergarten to grade 12		
12	pursuant to the Maine Revised		
13	Statutes, Title 20-A, section 15683		

14 **Sec. C-20. Limit of State's obligation.** If the State's continued obligation for
15 any individual component contained in sections 18 and 19 of this Part exceeds the level
16 of funding provided for that component, any unexpended balances occurring in other
17 programs may be applied to avoid proration of payments for any individual component.
18 Any unexpended balances from section 5 of this Part may not lapse but must be carried
19 forward for the same purpose.

20 **Sec. C-21. Authorization of payments.** Sections 18 and 19 of this Part may not
21 be construed to require the State to provide payments that exceed the appropriation of
22 funds for general purpose aid for local schools for the fiscal year beginning July 1, 2008
23 and ending June 30, 2009.

24 **Sec. C-22. Fiscal year 2007-08 carry forward.** Notwithstanding any other
25 provision of law, in implementing the \$500,000 reduction in fiscal year 2008-09, the
26 Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter
27 School for the Deaf must exhaust all funds carried forward from the 2007-08 fiscal year
28 before reducing any educational programs and services provided to students.

29 **Sec. C-23. Retroactivity.** That section of this Part that amends the Maine
30 Revised Statutes, Title 20-A, section 4102, subsection 4, paragraph A applies
31 retroactively to June 7, 2007.

32 **PART D**

33 **Sec. D-1. Appropriations and allocations.** The following appropriations and
34 allocations are made.

35 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
36 **Administration - Human Resources 0038**

1 purchase system to achieve cost efficiencies. The Department of Education shall assess
2 the scalability and application of this initiative for schools statewide and report its results
3 and recommendations to the Joint Standing Committee on Education and Cultural Affairs
4 by September 30, 2008.

5 PART S

6 **Sec. S-1. 5 MRSA §1541, sub-§10-B** is enacted to read:

7 **10-B. Confidentiality of internal audit working papers belonging to the Office of**
8 **the State Controller. Prior to the release of a final audit or investigation report and in the**
9 **sole discretion of the State Controller, to disclose internal audit working papers to the**
10 **department, commission or agency subject to the audit or investigation and to other**
11 **auditors or law enforcement when such disclosure will not prejudice the audit or**
12 **investigation. Except as provided in this subsection, internal audit working papers are**
13 **confidential and may not be disclosed to any person. After release of the final audit or**
14 **investigation report, internal audit working papers may be released as necessary to:**

15 **A. The department, commission or agency that was subject to the audit or**
16 **investigation;**

17 **B. A federal agency providing a grant to the audited entity;**

18 **C. Law enforcement agencies for the purpose of criminal law enforcement or**
19 **investigations; and**

20 **D. Other auditors in their work, including but not limited to the State Auditor;**

21 PART T

22 **Sec. T-1. 10 MRSA §8002, first ¶,** as amended by PL 1999, c. 687, Pt. C, §2, is
23 further amended to read:

24 The Commissioner of Professional and Financial Regulation, referred to in this
25 chapter as the "commissioner," is the chief administrative officer of the department and is
26 responsible for supervising the administration of the department. The commissioner is
27 appointed by the Governor, subject to review by the joint standing committee of the
28 Legislature having jurisdiction over banking and insurance matters, and to confirmation
29 by the Legislature. In making the appointment under this paragraph, the Governor shall
30 appoint one of the following officials as commissioner, who shall also continue to act as a
31 superintendent or director, as the case may be: the Superintendent of Financial
32 Institutions, the Superintendent of Consumer Credit Protection, the Superintendent of
33 Insurance or the Director of the Office of Licensing and Registration. The commissioner
34 serves at the pleasure of the Governor. Unless otherwise provided in law, the
35 commissioner may not exercise or interfere with the exercise of discretionary regulatory
36 authority granted by statute to the bureaus, offices, boards or commissions within and
37 affiliated with the department. As chief administrative officer of the department, the
38 commissioner has the following duties and authority to:

1 PART U

2 **Sec. U-1. Salary Plan; lapsed balances; Administrative and Financial**
3 **Services, General Fund.** Notwithstanding any other provision of law, \$15,000 of
4 unencumbered balance forward in the Personal Services line category in the Salary Plan,
5 General Fund account in the Department of Administrative and Financial Services lapses
6 to the General Fund at the close of fiscal year 2008-09.

7 **Sec. U-2. Office of State Controller - Carrying; lapsed balances;**
8 **Administrative and Financial Services, General Fund.** Notwithstanding any
9 other provision of law, \$150,000 of unencumbered balance forward in the All Other line
10 category in the Office of the State Controller - Carrying, General Fund account in the
11 Department of Administrative and Financial Services lapses to the General Fund at the
12 close of fiscal year 2008-09.

13 PART V

14 **Sec. V-1. Transfer from unappropriated surplus; Callahan Mine Site**
15 **Restoration, Department of Transportation.** Notwithstanding any other provision
16 of law, the State Controller shall transfer \$400,000 in fiscal year 2007-08 by June 30,
17 2008 and \$350,000 in fiscal year 2008-09 by August 15, 2008 from the unappropriated
18 surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue
19 Funds program within the Department of Transportation.

20 PART W

21 **Sec. W-1. 20-A MRSA §15689-A, sub-§10,** as amended by PL 2007, c. 240, Pt.
22 D, §8, is further amended to read:

23 **10. Data management and support services for essential programs and services.**
24 The commissioner may pay costs attributed to system maintenance and staff support
25 necessary to implement the requirements of the Essential Programs and Services Funding
26 Act. A transfer of All Other funds from the General Purpose Aid for Local Schools
27 account to Personal Services in the Management Information Systems account for 6-645
28 11 positions that provide professional and administrative support to general purpose aid
29 for local schools in the department's management information systems program may
30 occur annually by financial order upon recommendation of the State Budget Officer and
31 approval of the Governor.

32 **Sec. W-2. 20-A MRSA §15689-A, sub-§16** is enacted to read:

33 **16. Coordination of services for juvenile offenders.** The commissioner may pay
34 certain costs attributed to staff support and associated operating costs for providing
35 coordination of education, treatment and other services for juvenile offenders at youth
36 development centers in Charleston and South Portland. A transfer of All Other funds
37 from the General Purpose Aid for Local Schools account to the Personal Services and All
38 Other line categories in the Learning Systems program General Fund account within the
39 Department of Education sufficient to support 2 Education Specialist II positions and 2

1 Office Associate II positions may occur annually by financial order upon
2 recommendation of the State Budget Officer and approval of the Governor.

3 **Sec. W-3. 20-A MRSA §15689-A, sub-§17 is enacted to read:**

4 17. Special education for juvenile offenders. The commissioner may pay certain
5 costs attributed to staff support and associated operating costs for providing special
6 education to juvenile offenders at youth development centers in Charleston and South
7 Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools
8 account to the Personal Services and All Other line categories in the Long Creek Youth
9 Development Center General Fund account within the Department of Corrections,
10 sufficient to support 2 Teacher positions, and to the Mountain View Youth Development
11 Center General Fund account within the Department of Corrections, sufficient to support
12 one Teacher position, may occur annually by financial order upon recommendation of the
13 State Budget Officer and approval of the Governor.

14 **PART X**

15 **Sec. X-1. 36 MRSA §2872, sub-§1, as repealed and replaced by PL 2003, c. 467,**
16 **§5, is amended to read:**

17 **1. Residential treatment facilities.** The tax imposed on a residential treatment
18 facility under this section is calculated as follows:

19 **A.** For the state fiscal year beginning July 1, 2002, the tax imposed against each
20 residential treatment facility is equal to 6% of its annual gross patient services
21 revenue for the state fiscal year;

22 **B.** For facility fiscal years beginning on or after July 1, 2002 and before July 1,
23 2003, the tax imposed against each residential treatment facility in addition to the tax
24 imposed pursuant to paragraph A is equal to 6% of its gross patient services revenue
25 for that portion of the facility fiscal year occurring after June 30, 2003; and

26 **C.** For whole or partial facility fiscal years beginning on or after July 1, 2003 and
27 before January 1, 2008, the tax imposed against each residential treatment facility is
28 equal to 6% of its annual gross patient services revenue for the corresponding whole
29 or partial facility fiscal year; and

30 **D.** Beginning January 1, 2008 for any partial facility fiscal year and for whole
31 facility fiscal years beginning on or after January 1, 2008, the tax imposed against
32 each residential treatment facility is equal to 5.5% of its annual gross patient services
33 revenue for the corresponding whole or partial facility fiscal year.

34 **Sec. X-2. 36 MRSA §2872, sub-§2, as repealed and replaced by PL 2003, c. 467,**
35 **§5, is amended to read:**

36 **2. Nursing homes.** The tax imposed on a nursing home under this section is
37 calculated as follows:

1 **A.** For the state fiscal year beginning July 1, 2002, the tax imposed against each
2 nursing home is equal to 6% of its annual net operating revenue for the state fiscal
3 year;

4 **B.** For facility fiscal years beginning on or after July 1, 2002 and before July 1,
5 2003, the tax imposed against each nursing home in addition to the tax imposed
6 pursuant to paragraph A is equal to 6% of its net operating revenue for that portion of
7 the facility fiscal year occurring after June 30, 2003; and

8 **C.** For whole or partial facility fiscal years beginning on or after July 1, 2003 and
9 before January 1, 2008, the tax imposed against each nursing home is equal to 6% of
10 its annual net operating revenue for the corresponding whole or partial facility fiscal
11 year; and

12 **D.** Beginning January 1, 2008 for any partial facility fiscal year and for whole
13 facility fiscal years beginning on or after January 1, 2008, the tax imposed against
14 each nursing home is equal to 5.5% of its annual net operating revenue for the
15 corresponding whole or partial facility fiscal year.

16 **PART Y**

17 **Sec. Y-1. 34-B MRSA §5481, as enacted by PL 1995, c. 685, §1 and amended by**
18 **PL 2003, c. 689, Pt. B, §6, is repealed.**

19 **PART Z**

20 **Sec. Z-1. Rename Office of Licensing and Regulatory Services program.**
21 Notwithstanding any other provision of law, the "Office of Licensing and Regulatory
22 Services" program within the Department of Health and Human Services is renamed the
23 "Division of Licensing and Regulatory Services" program.

24 **Sec. Z-2. Rename State Boarding Homes program.** Notwithstanding any
25 other provision of law, the "State Boarding Homes" program within the Department of
26 Health and Human Services is renamed the "MR/Elderly PNMI Room and Board"
27 program.

28 **Sec. Z-3. Rename Foster Care program.** Notwithstanding any other provision
29 of law, the "Foster Care" program within the Department of Health and Human Services
30 is renamed the "IV-E Foster Care/Adoption Assistance" program.

31 **Sec. Z-4. Rename Child Welfare Services program.** Notwithstanding any
32 other provision of law, the "Child Welfare Services" program within the Department of
33 Health and Human Services is renamed the "State-Funded Foster Care/Adoption
34 Assistance" program.

35 **PART AA**

36 **Sec. AA-1. PL 2007, c. 240, Pt. X, §3 is amended to read:**

1 Service Fund in the Department of Administrative and Financial Services to the
2 unappropriated surplus of the General Fund. The State Controller is also required to
3 transfer the equitable share of health insurance savings to each participating fund by June
4 30, 2008 and June 30, 2009. The fund transfers are to recognize health insurance savings
5 achieved through changes to be adopted by the State Employee Health Commission;

6 2. It requires the transfer of \$10,438,051 representing the health insurance excess
7 equity reserve balance to the unappropriated surplus of the General Fund by June 30,
8 2008 and the equitable share transfer to each participating fund by June 30, 2008;

9 3. It requires the transfer of \$16,832,248 representing the retiree health insurance
10 excess equity reserve balance to the unappropriated surplus of the General Fund by June
11 30, 2008 and the equitable share transfer to each participating fund by June 30, 2008; and

12 4. It recognizes retiree health insurance savings of \$185,196, which will be achieved
13 through changes to be adopted by the State Employee Health Commission.

14 PART I

15 This Part does the following:

16 1. It authorizes the Department of Administrative and Financial Services, Office of
17 Information Technology to enter into financing arrangements on or after July 1, 2009 for
18 the acquisition of hardware, software and systems to support the operations of the
19 Statewide Radio and Network System Reserve Fund established in the Maine Revised
20 Statutes, Title 5, section 1520; and

21 2. It authorizes the Department of Administrative and Financial Services, Office of
22 Information Technology to enter into financing arrangements on or after July 1, 2008 for
23 the acquisition of a statewide enterprise system to facilitate e-mail archiving and related
24 activities, including software, necessary hardware and peripherals and contractual
25 services associated with the implementation and deployment of the system. It sets a
26 maximum allowable interest rate and interest amount that can be paid and makes this
27 language consistent with other authorizations requested in the bill and formally approved
28 in previous budgets.

29 PART J

30 This Part authorizes the State Controller to transfer \$14,648 in unexpended funds
31 from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds
32 account within the Department of Administrative and Financial Services in fiscal year
33 2007-08 to General Fund unappropriated surplus.

34 PART K

35 This Part authorizes the State Controller to transfer funds from the Department of
36 Inland Fisheries and Wildlife carrying account to several program accounts for various

1 purposes within the department. It also directs the Department of Inland Fisheries and
2 Wildlife to maintain "Maine Fish and Wildlife Magazine" and to develop a plan for the
3 magazine to be self-supporting.

4 PART L

5 This Part transfers \$2,425,000 from General Fund undedicated revenue to the Maine
6 Clean Election Fund in fiscal year 2009-10 and \$2,000,000 in fiscal year 2010-11.

7 This Part authorizes the Commission on Governmental Ethics and Election Practices
8 to reduce the initial payment amounts established for Maine Clean Election Act
9 candidates in the 2008 and 2009 general election by 5%. It also authorizes the State
10 Controller to transfer \$135,199 on or before June 30, 2008 and \$135,717 on or before
11 June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the
12 General Fund.

13 PART M

14 This Part requires that the Department of Administrative and Financial Services,
15 Bureau of Alcoholic Beverages and Lottery Operations set off lottery winnings against
16 Maine liquidated tax debts.

17 PART N

18 This Part continues the process of the merger of 2 departments into the Department of
19 Health and Human Services. It repeals certain powers and duties of the Commissioner of
20 Health and Human Services from the Maine Revised Statutes, Title 22 and Title 34-B and
21 enacts those powers and duties in Title 22-A. This amendment provides a transition and
22 planning process for the privatization of the Elizabeth Levinson Center on October 1,
23 2008.

24 PART O

25 This Part amends the Maine Revised Statutes, Title 5, section 1767 to clarify the
26 authority of the Bureau of General Services to enter into agreements to conduct energy
27 projects at state facilities. It authorizes the bureau to enter into agreements specifically in
28 pursuit of projects at state facilities for on-site generation or cogeneration of energy for
29 use at those facilities and elsewhere. It requires legislative review and approval through
30 the usual budget process for any agreement requiring new expenditures that cannot be
31 absorbed. Otherwise, the bureau is authorized to proceed with such energy independence
32 projects.

33 PART P

1 This Part approves the cost items in collective bargaining agreements reached by the
2 Judicial Department and the bargaining units pursuant to the Maine Revised Statutes,
3 Title 26, section 1285.

4 **PART Q**

5 This Part changes certain reporting dates for odd-numbered years for the Consensus
6 Economic Forecasting Commission and for the Revenue Forecasting Committee.

7 **PART R**

8 This Part directs the Department of Education to review the Western Maine
9 Educational Collaborative's initiative to establish a cooperative purchase system to
10 achieve cost efficiencies. This initiative uses a secure online portal that brings buyers and
11 sellers together and allows a multitude of sellers to respond to multiple bids, a process
12 that decreases prices. The Department of Education is directed to assess the scalability
13 and application of this initiative for schools statewide and to report its results and
14 recommendations to the Joint Standing Committee on Education and Cultural Affairs by
15 September 30, 2008.

16 **PART S**

17 This Part allows for the State Controller to share confidential working papers during
18 the investigation or audit with departments, commissions or agencies subject to the audit
19 or investigation and other auditors and law enforcement.

20 **PART T**

21 This Part reorganizes the position of Commissioner of Professional and Financial
22 Regulation.

23 **PART U**

24 This Part does the following:

25 1. It lapses \$15,000 of unencumbered balance forward in the Personal Services line
26 category in the Salary Plan, General Fund account in the Department of Administrative
27 and Financial Services to the General Fund at the close of fiscal year 2008-09; and

28 2. It lapses \$150,000 of unencumbered balance forward in the All Other line
29 category in the Office of the State Controller - Carrying, General Fund account in the
30 Department of Administrative and Financial Services to the General Fund at the close of
31 fiscal year 2008-09.

32 **PART V**

1 This Part directs the State Controller to transfer \$400,000 by June 30, 2008 and
2 \$350,000 by August 15, 2008 from the unappropriated surplus of the General Fund to the
3 Callahan Mine Site Restoration Other Special Revenue Funds program within the
4 Department of Transportation.

5 **PART W**

6 This Part does the following.

7 1. It adds the positions of one Team Leader/Policy Director, one Education
8 Specialist III, one Office Associate II and one Office Specialist I to the positions in the
9 Management Information Systems program funded from the General Purpose Aid to
10 Local Schools account that support the implementation of the requirements of the
11 Essential Programs and Services Funding Act.

12 2. It authorizes the Commissioner of Education to pay costs from the General
13 Purpose Aid for Local Schools account to support the Personal Services and All Other
14 costs for 2 Education Specialist II and 2 Office Associate II positions to provide for the
15 coordination of education, treatment and other services for juvenile offenders at the
16 Mountain View Youth Development Center and the Long Creek Youth Development
17 Center.

18 3. It authorizes the Commissioner of Education to pay costs from the General
19 Purpose Aid to Local Schools account to support the Personal Services and All Other
20 costs for 1 teacher position to provide special education instruction to juvenile offenders
21 at the Mountain View Youth Development Center and for 2 teacher positions to provide
22 special education instruction to juvenile offenders at the Long Creek Youth Development
23 Center.

24 **PART X**

25 This Part revises the basis for applying residential treatment facilities and nursing
26 facilities taxes effective January 1, 2008. For the residential treatment facilities tax, the
27 tax is reduced from 6% of annual gross patient services revenue to 5.5% of annual gross
28 patient services revenue. For the nursing facilities tax, the tax is reduced from 6% of
29 annual net operating revenue to 5.5% of annual net operating revenue.

30 **PART Y**

31 This Part repeals provisions related to rates for fee-for-service or grant-in-aid
32 programs paid by the Department of Health and Human Services to private agencies
33 providing services to individuals with mental retardation.

34 **PART Z**

35 This Part renames 4 programs of the Department of Health and Human Services.

Representative Lansley's amendment. I think it is the right thing to do and I would ask to follow his light. Thank you, Mr. Speaker.

Representative TARDY of Newport REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "A" (H-875).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative LANSLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One thing that I did not point out on this amendment was that we put an additional \$195,000 of the OPEGA current budget back to the General Fund, and this will more than cover the cost of the positions that we have.

Also, if I could highlight again, OPEGA has reviewed activities of state government that represent over \$630 million in annual expenditures of taxpayer dollars. OPEGA has identified at least \$167,806 in unused and misused taxpayer dollars, including potential fraud. OPEGA has made suggestions to realize at least \$2,177,000 in government savings. OPEGA has made recommendations that, if implemented, would avoid further costs of state government of at least \$20,000,321. So this is a department that should remain in tact. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative JOHNSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. At a time of growing cynicism on the part of citizens of this state, this is exactly the wrong thing to cut OPEGA at this moment. It is a window in to the operations into state government that is truly needed, it saves money, and we should support this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-875). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 283

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Samson, Silsby, Simpson, Smith N, Sutherland, Theriault, Treat, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Burns, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hill, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Schatz, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Trinward, Vaughan, Weaver, Woodbury.

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, and accordingly House Amendment "A" (H-875) was INDEFINITELY POSTPONED.

Representative MCKANE of Newcastle PRESENTED House Amendment "C" (H-879), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative MCKANE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment affords this body another chance to vote in favor of working, fishing, low-income communities in the state, in favor of common sense and against a broken promise to the communities that are hardest hit by property taxes.

In this Supplemental Budget, we are cutting about \$36 million to the ramped up money of General Purpose Aid, but still a lot of money is going into General Purpose Aid, just not quite as much as we originally predicted, as we really wanted a year ago. It was felt that since the minimum receivers are not feeling any of that pain, shall we say, they are not getting any cut—the minimum receivers, by the way, are the ones that suffer under the highest property values and lower student enrollments—and because they are working families—that is why they have the lower student enrollments—they do not get any GPA money, they just get Special Ed money. But it felt that they were not going to feel any of this pain, this cutback in GPA, so the only way to make them feel some of the so-called pain was to cut back on the only money they get from the state, which is the Special Ed money. This is the money that the state demanded that all towns get with question 1a, back in 2004, that we would fund 55 percent of the cost of education and we would fund 100 percent of the cost of Special Education to all towns. It was promised that we would do that with LD 1 and we been doing it, we have been trying to ramp up to those amounts, but now we are breaking that promise right here in this budget.

It contains a tax shift from what are some of the lowest income communities in the state, the communities that are struggling the hardest with their high evaluation, and it is giving to some of the highest per capita income towns and cities in this state that are not getting this cutback. I mean, if you think of it, towns like Bristol and Bremen, Monhegan, Isle au Haut, Boothbay, Southport are getting this hit; the towns like Cape Elizabeth, Yarmouth, Scarborough, Cumberland, Cumberland Foreside, Falmouth are not getting the hit. It does not quite make sense to me. We are taking it from those with the lowest per capita incomes and we are giving to some with the highest. I would hope that you would vote in favor of this, just for these working, waterfront communities that are struggling as it is to have affordable housing, and to keep residents and working families in those communities. Thank you very much, Mr. Speaker.

Representative FISCHER of Presque Isle moved that House Amendment "C" (H-879) be INDEFINITELY POSTPONED.

The same Representative REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "C" (H-879).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to speak just very briefly on this amendment because Representative McKane has asked me several times, as has the good Representative from Blue Hill, why I would not support it.

I represent all minimum receiver communities. Some of them are very accurately described by Representative McKane, a town like Vinalhaven, a very working-class, fishing community. But what this amendment does is take \$6.5 million out of the rest of

the communities in the state and give them to the minimum receivers. There is nobody more than myself who has an interest in getting those minimum receivers back up to 84 percent of Special Ed, I plan to fight for that next year. I think it is an important priority, and it is something I attempted to even do in this budget process but I could not come up with \$6.5 million. So in order to come up with that \$6.5 million, you have to take it out of the rest of the state. I have made this argument to the good Representative from Newcastle that taking it out of the rest of the state has also a very negative impact on coastal, rural communities that are not minimum receivers.

It also has a very significant impact on rural communities in the rest of Maine. I saw some folks who voted on this amendment during our last round of the budget, whom I was very surprised that they would vote to make that kind of shift. I just want to read to you a list of the most negatively impacted communities in the state, when it comes to this budget, who are not minimum receivers: Eastport, losing 25 percent of their entire budget; Alexander, 27 percent; Lubec, 15 percent; Steuben, 13 percent; Machiasport, 15 percent; Lamoine, 15 percent; New Sweden, Nobleboro, the list goes on and on. These are non-minimum receiver communities who are going to take a further hit by this shift.

Again, I am absolutely interested in the future for getting these minimum receivers back up to 84 percent, but without a new funding source, you take money out of currently receiving districts and you take it out of those most rural, those most poor districts who are exactly as you described. There is no district probably more poor and more struggling than a town like Eastport, and to take money out of that town and send it to communities like mine, I cannot vote for in good conscience. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "C" (H-879). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 284

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Flood, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Jones, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Millett, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Samson, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Berube, Browne W, Burns, Cebra, Chase, Cotta, Cray, Curtis, Eaton, Edgecomb, Emery, Fitts, Fletcher, Gifford, Giles, Gould, Greeley, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver.

ABSENT - Duprey, Fisher, Hamper, Jackson, Mills, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Treat, Walker.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly House Amendment "C" (H-879) was INDEFINITELY POSTPONED.

Representative MILLETT of Waterford PRESENTED House Amendment "B" (H-878), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief, I promise. We are presenting, again, an amendment that would effectively present the Minority Report from last Thursday, which replaces six onetime reductions and a tax that is called the net operating loss carry-back, with structural changes that would, in the ongoing sense, achieve the same effect. You could either read the statements in the Summary, 1 through 16, starting on page 14 of the amendment; or, if you have the green sheets from last week, you can follow them along. So I will just highlight a few of them and not spend time on the bulk of them.

As you know, we do increase the amount of the Maine Clean Election reduction for '08, from 5 percent to 10 percent. We do remove the nuclear safety inspector language. We do request three government holidays spelled out the Fridays before Labor Day, Columbus Day, and Memorial Day. We do the structural changes in both the non-categorical and SCHIP parents that we talked about last week.

Beyond that, we start removing some onetime things, and, again, in the statement of fact you will see that we removed the \$2.5 million take back from the Capital Construction Reserve Fund. We provide \$100,000 in year two, in order that the Fund for the Efficient Delivery of Local and Regional Services has some money in it. We increase the amount of the transfer, from '09 to '08, to keep the biennial budget in balance, from \$10 million to \$10.2 million. We remove the tax issue on the recapture of carry-back net operating losses. We do impose the out of state travel limitation, saving \$250,000. We also do another change in the legislative budget by restricting step increases for employees earning \$75,000 or more, and imposing another travel reduction for the legislative branch. Then we reduce some more onetime take backs: \$3.2 million from Professional and Financial Regulations; \$2.6 million from Emergency Services Communication, or E-911. We do the health insurance savings from legislators and legislative staff, by decreasing from 100 percent to 90 percent, and the state share of the individual premium. We remove the \$9 million onetime stock sale that was proposed by the State Treasurer. We also removed the OPEGA language from the original bill, and I acknowledge that Representative Fischer's amendment reinstates part of that; we just debated another portion, and I believe there will be some language offered in the other body.

The other things that we do, they are minor; I will not go into a lot of detail. I will say that there is agreement between the Minority and the Majority on Appropriations to add some language that inadvertently got dropped in the original printing, and that is to do the Maine Public Employee Retirement study of the actuarial assumptions for determining the rate structure for the next biennium's Maine State Retirement contribution rates. You will find that in PPP at the very back of the newly printed bill.

I would just ask for your consideration of an attempt on the part of the Minority Republicans to do more structural changes, and to remove ourselves from the onetime savings that were offered up in the original bill and are basically repeated here today. One last thing, while I think of it, the tax and match issue was not in the budget bill when it was here last week, was reinstated with a floor amendment; it is not before us at this moment, but is coming before us in a bill that you just had circulated to your desks. So with those background comments and without any need for any further expansion upon them, I would urge your support of an attempt on our part to be