

MAINE STATE LEGISLATURE

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BUDGET BILL - FISCAL YEARS 2004-05



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1319

H.P. 973

House of Representatives, March 11, 2003

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRANNIGAN of Portland. (GOVERNOR'S BILL)
Cosponsored by Senator CATHCART of Penobscot and
Representative: ROSEN of Bucksport, Senator: TURNER of Cumberland.

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

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

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

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

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

PART A

22 **Sec. A-1. Appropriations and allocations.** In order to provide
for necessary expenditures of State Government and other purposes
for the fiscal years ending June 30, 2004 and June 30, 2005, the
following sums as designated in the following tabulations are
appropriated or allocated out of any money not otherwise
appropriated or allocated.

28 **Sec. A-2. Allotments required.** Upon receipt of allotments
duly approved by the Governor based upon work programs submitted
to the State Budget Officer, the State Controller shall authorize
expenditures of these funds, together with expenditures for other
purposes necessary to the conduct of State Government, on the
basis of these allotments and not otherwise. Allotments for
Personal Services and Capital Expenditures and amounts for All
Other departmental expenses may not exceed the amounts shown in
the budget document or as they may be revised by the joint
standing committee of the Legislature having jurisdiction over
these appropriations and allocations, unless recommended by the
State Budget Officer and approval of the Governor in accordance
with established law.

42 **Sec. A-3. Personal Services funding.** The amounts provided for
Personal Services in appropriated and allocated programs are
subject to the provision that the total number of positions and
the costs thereof in any program may not, during any fiscal year,
vary either from the positions included in computing the total
dollars appropriated or allocated for Personal Services or in the
specific cost of each position upon which the appropriations and
allocations are based. The State Budget Officer shall take the

2 **Sec. RR-8. 10 MRSA §1415-G, sub-§6**, as enacted by PL 1991, c.
3 275, §3 and affected by §§4 and 5, is amended to read:

4 **6. Notification.** An agency, municipality or granting
5 authority that provides a housing subsidy as described in this
6 certification must notify the ~~Department of Economic and Community~~
7 ~~Development, Energy Conservation Division~~ Public Utilities
8 Commission that the application complies with the residential
9 energy requirements of this section. Notification must be in a
10 form prescribed by rule by the ~~commissioner~~ commission.

11 **Sec. RR-9. 10 MRSA §1415-H, sub-§1**, as amended by PL 1999, c.
12 657, §4, is further amended to read:

13 **1. Certification.** Before installing permanent service to a
14 commercial or institutional building, a transmission and
15 distribution utility, as defined in Title 35-A, section 102,
16 shall obtain from the owner of the building or from the owner's
17 legal agent, on a form provided by the utility, a signed
18 certification that the building complies with the requirements of
19 section 1415-D. A copy of the signed certification must be
20 provided by the transmission and distribution utility to the
21 ~~Department of Economic and Community Development, Energy~~
22 ~~Conservation Division~~ Public Utilities Commission or a successor
23 agency charged with administering energy building standards.

24 **Sec. RR-10. 35-A MRSA §3211-B** is enacted to read:

25 **§3211-B. Additional energy conservation programs**

26 In addition to the programs and activities specified in
27 section 3211-A, subsection 2, the commission shall administer the
28 following energy conservation programs.

29 **1. Federally mandated programs.** The director shall
30 administer the following federally mandated programs, formerly
31 administered by the Department of Economic and Community
32 Development, Office of Business Development:

33 **A. State Energy Conservation Program;**

34 **B. Energy Extension Service; and**

35 **C. Institutional Conservation Program.**

36 **2. Energy conservation standards.** The commission shall
37 adopt energy conservation standards and adopt rules for
38 administration of the standards and the certification of
39 energy-efficient buildings, as defined in Title 10, chapter 214.

40 **3. Approval; denial of certificates.** The commission shall
41 provide for the approval or denial of certificates of compliance
42 with energy standards, as required in Title 10, chapter 214.

43 **4. Preparation of manual.** The commission shall prepare the
44 Manual of Accepted Practices, as described in Title 10, section
45 1415-F.

46 **5. Review; inspection.** The commission may review plans and
47 specifications and may inspect buildings to determine compliance
48 with the energy conservation standards established in Title 10,
49 chapter 214.

50 **6. Rule-making authority.** If the Residential Conservation
51 Service, as established by the federal National Energy
52 Conservation Policy Act, Public Law 95-619, (1978), 92 Stat. 3206
53 as amended by the federal Energy Security Act, Public Law 96-294,
54 (1980), 94 Stat. 611, is repealed or amended by deleting the
55 requirements for providing energy conservation information and
56 energy audits and arranging financing for energy conservation
57 improvements for residential customers, the commission may adopt
58 routine technical rules pursuant to Title 5, chapter 375,
59 subchapter 2-A to continue these services. In establishing these
60 rules, the commission shall simplify federal rules without
61 preventing fulfillment of the program objectives and the
62 commission may not impose rules containing additional
63 requirements for utilities.

64 Until the commission adopts new rules under this subsection, the
65 previously existing federal regulations and any state rules
66 implementing them are deemed state rules with full force and
67 effective until changed.

68 **Sec. RR-11. 36 MRSA §1760, sub-§68**, as amended by PL 1995, c.
69 281, §16, is repealed.

70 **Sec. RR-12. Transition provisions; Public Utilities Commission.**

71 **1.** The Public Utilities Commission is the successor in
72 every way to the powers, duties and functions of the former
73 Energy Conservation Division of the Department of Economic and
74 Community Development, Office of Business Development.

75 **2.** All existing rules, regulations and procedures in
76 effect, in operation or adopted in or by the former Energy
77 Conservation Division or any of its administrative units or
78 officers are hereby declared in effect and continue in effect
79 until rescinded, revised or amended by the proper authority.

SUMMARY

This bill does the following.

PART A

Part A makes appropriations and allocations of funds.

PART B

Part B makes appropriations and allocations of funds representing reduction proposals or adjustments.

PART C

Part C does the following:

1. It specifies the general purpose aid for local schools actual education certification and appropriation levels for fiscal year 2003-04 as required by the Maine Revised Statutes, Title 20-A, section 15605.

2. It authorizes the State Controller to transfer \$200,000 in fiscal year 2003-04 and \$300,000 in fiscal year 2004-05 from the General Purpose Aid to Local Schools account in the Department of Education to General Fund unappropriated surplus no later than June 30, 2004 and June 30, 2005. These savings will be achieved through the standardization of specifications related to all phases of school construction and renovation. The standardization must be applied to projects that are currently under construction, projects that are in planning and projects that are entering the design phase.

3. It postpones to July 1, 2005 an increase in the State's contribution for health insurance for retired teachers from 35% to 40%.

PART D

Part D does the following.

1. It provides for the calculation and transfer of statewide savings in the General Fund in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

2. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

3. It provides for the calculation and transfer of statewide savings in the Highway Fund in the cost of health insurance for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

4. It provides for the calculation and transfer of statewide savings in the General Fund from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

5. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

6. It provides for the calculation and transfer of statewide savings in the Highway Fund from increased attrition for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

7. It provides for the calculation and transfer of statewide savings in the General Fund from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

8. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

9. It provides for the calculation and transfer of statewide savings in the Highway Fund from extending the amortization schedule of the unfunded liability for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

10. It provides for the calculation and transfer of statewide savings in the General Fund from postponing merit increases for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

11. It provides for the calculation and transfer of statewide savings in the Other Special Revenue funds from postponing merit increases for fiscal year 2003-04 and fiscal year 2004-05 that are identified in Part B, section 1.

2 Part MM transfers \$150,000 in Maine Learning Technology
Endowment Account investment earnings as miscellaneous income to
the General Fund.

4
6 **PART NN**

8 Part NN authorizes the Legislature to adjust the Retirement
Unfunded Liability amortization schedule.

10 **PART OO**

12 Part OO establishes the Higher Education Cost Savings
Incentive Program and the K-12 Education Cost Savings Incentive
Program.

16 **PART PP**

18 Part PP authorizes the Maine Governmental Facilities
Authority to issue additional securities totaling \$7,485,000 for
capital repairs and improvements at various state facilities.

22 **PART QQ**

24 Part QQ authorizes the Commissioner of Administrative and
Financial Services to issue one or more additional instant
lottery ticket games.

28 **PART RR**

30 Part RR does the following.

32 1. It repeals provisions of the law relating to the Maine
Science and Technology Foundation and transfers the functions to
the Department of Economic and Community Development.

36 2. It transfers the functions of the Energy Conservation
Division of the Department of Economic and Community Development
to the Public Utilities Commission.

40 **PART SS**

42 Part SS amends current law to facilitate the closure of the
remaining 13 state liquor stores.

44 **PART TT**

46 Part TT amends the current provisions and outlines the
requirements for the sale or lease of the wholesale liquor
business.

2 **PART UU**

4 Part UU presents a comprehensive list of tax expenditures
for the consideration of the Legislature.

6 **PART VV**

8 Part VV requires parity coverage for mental illnesses for
all health benefit plans covering groups of 21 or more. The bill
expands the coverage of mental illness to include 11 categories
of mental illness as defined in the Diagnostic and Statistical
Manual of Mental Disorders, as periodically revised, and allows
that coverage to be delivered as a carve out under a managed care
system. The bill requires coverage for residential treatment
services and home support services. The provisions apply to all
policies and contracts issued or renewed on or after the
effective date of this bill. The bill makes no change to the
mandated offer of parity requirement for individual plans and
group plans covering fewer than 20 persons under current law.

22 **FISCAL NOTE**

24 **APPROPRIATIONS AND ALLOCATIONS**

	2003-04	2004-05	BIENNIUM
GENERAL FUND			
PART A, Section 25	\$2,904,908,056	\$3,037,223,745	\$5,942,131,801
PART B, Section 1	(288,702,225)	(371,513,720)	(660,215,945)
GENERAL FUND, TOTAL	2,616,205,831	2,665,710,025	5,281,915,856
HIGHWAY FUND - (Informational)			
PART A, Section 25	333,057,107	337,810,322	670,867,429
PART B, Section 1	(43,465,540)	(34,809,046)	(78,274,586)
HIGHWAY FUND, TOTAL	289,591,567	303,001,276	592,592,843
FEDERAL EXPENDITURES FUND			