

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

Amend the amendment by striking out all of Part C and inserting the following:

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 51512 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 §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-4. 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 proficiency students, the unit receives an additional weight of ~~.30~~ .50 per student;

Sec. C-5. 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-6. 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-7. 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-8. 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-9. 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-10. 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-11. 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-12. 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.

Sec. C-13. 20-A MRSA §15905, sub-§1, ¶A, 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 |
| <u>2012</u> | <u>\$126,000,000</u> |
| <u>2013</u> | <u>\$126,000,000</u> |

Sec. C-14. Calculation. The Commissioner of Education shall, within 30 days of the effective date of this Part, calculate the mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2008-09 and the total cost of funding public education from kindergarten to grade 12 for fiscal year 2008-09 in accordance with this Part. The commissioner shall submit the information to the Joint Standing Committee on Education and Cultural Affairs.

Sec. C-15. 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-16. 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.'

Amend the amendment by inserting after Part MMMM the following:

PART NNNN

Sec. NNNN-1. 22 MRSA §3174-G, sub-§1, ¶E, as amended by PL 2003, c. 469, Pt. A, §5 and affected by c. 673, Pt. Y, §3, is further amended to read:

E. The parent or caretaker relative of a child described in paragraph B or D when the child's family income is equal to or below ~~200%~~125% of the nonfarm income official poverty line, subject to adjustment by the commissioner under this paragraph. Medicaid services provided under this paragraph must be provided within the limits of the program budget. Funds appropriated for services under this paragraph must include an annual inflationary adjustment equivalent to the rate of inflation in the Medicaid program. On a quarterly basis, the commissioner shall determine the fiscal status of program expenditures under this paragraph. If the commissioner determines that expenditures will exceed the funds available to provide Medicaid coverage pursuant to this paragraph, the commissioner must adjust the income eligibility limit for new applicants to the extent necessary to operate the program within the program budget. If, after an adjustment has occurred pursuant to this paragraph, expenditures fall below the program budget, the commissioner must raise the income eligibility limit to the extent necessary to provide services to as many eligible persons as possible within the fiscal constraints of the program budget, as long as the income limit does not exceed 200% of the nonfarm income official poverty line; and

Sec. NNNN-2. 24-A MRSA §6914, as amended by PL 2005, c. 400, Pt. A, §14, is repealed.

Sec. NNNN-3. MaineCare childless adult waiver; expenditure cap. The Commissioner of Health and Human Services shall continue initiatives to control spending in the MaineCare childless adult waiver program until the program's spending is reduced to and maintained at a level that does not exceed \$57,000,000 in combined annual federal and state spending.

Sec. NNNN-4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Reduces funding by managing enrollment in the childless adult waiver program and maximizing the use of the federal allocation in the Qualified Individual program and other efficiencies in the MaineCare program. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

| GENERAL FUND | 2007-08 | 2008-09 |
|----------------------------------|----------------|----------------|
| All Other | \$0 | (\$8,138,324) |
| | <hr/> | |
| GENERAL FUND TOTAL | \$0 | (\$8,138,324) |
| | | |
| FEDERAL EXPENDITURES FUND | 2007-08 | 2008-09 |

| | | |
|-----------|-----|----------------|
| All Other | \$0 | (\$14,553,225) |
|-----------|-----|----------------|

| | | |
|---------------------------------|-----|----------------|
| FEDERAL EXPENDITURES FUND TOTAL | \$0 | (\$14,553,225) |
|---------------------------------|-----|----------------|

Medical Care - Payments to Providers 0147

Initiative: Reduces funds to reflect a reduction in the eligibility level from 200% to 125% of the federal poverty level for the parents of MaineCare-eligible children.

| | | |
|---------------------|----------------|----------------|
| GENERAL FUND | 2007-08 | 2008-09 |
| All Other | \$0 | (\$8,002,702) |

| | | |
|--------------------|-----|---------------|
| GENERAL FUND TOTAL | \$0 | (\$8,002,702) |
|--------------------|-----|---------------|

| | | |
|----------------------------------|----------------|----------------|
| FEDERAL EXPENDITURES FUND | 2007-08 | 2008-09 |
| All Other | \$0 | (\$21,909,621) |

| | | |
|---------------------------------|-----|----------------|
| FEDERAL EXPENDITURES FUND TOTAL | \$0 | (\$21,909,621) |
|---------------------------------|-----|----------------|

| | | |
|------------------------------------|----------------|----------------|
| OTHER SPECIAL REVENUE FUNDS | 2007-08 | 2008-09 |
| All Other | \$0 | (\$4,699,500) |

| | | |
|-----------------------------------|-----|---------------|
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | (\$4,699,500) |
|-----------------------------------|-----|---------------|

Medical Care - Payments to Providers 0147

Initiative: Reduces funding from continuing initiatives to control spending in the childless adult waiver program until the program's spending is reduced to and maintained at a level that does not exceed \$57,000,000 in combined annual federal and state spending.

| | | |
|---------------------|----------------|----------------|
| GENERAL FUND | 2007-08 | 2008-09 |
| All Other | \$0 | (\$3,945,700) |

| | | |
|--------------------|-----|---------------|
| GENERAL FUND TOTAL | \$0 | (\$3,945,700) |
|--------------------|-----|---------------|

| | | |
|----------------------------------|----------------|----------------|
| FEDERAL EXPENDITURES FUND | 2007-08 | 2008-09 |
|----------------------------------|----------------|----------------|

| | | |
|---------------------------------|-----|---------------|
| All Other | \$0 | (\$7,055,400) |
| <hr/> | | |
| FEDERAL EXPENDITURES FUND TOTAL | \$0 | (\$7,055,400) |

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
(FORMERLY DHS)
DEPARTMENT TOTALS**

| | 2007-08 | 2008-09 |
|------------------------------|---------|----------------|
| GENERAL FUND | \$0 | (\$20,086,726) |
| FEDERAL EXPENDITURES FUND | \$0 | (\$43,518,246) |
| OTHER SPECIAL REVENUE FUNDS | \$0 | (\$4,699,500) |
| <hr/> | | |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | (\$68,304,472) |

PART OOOO

Sec. OOOO-1. Transfer of funds from Maine Budget Stabilization Fund. Pursuant to the Maine Revised Statutes, Title 5, chapter 142, the State Controller shall transfer \$17,179,386 by June 30, 2009 from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund.

PART PPPP

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

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Appropriates funding for the state share of General Purpose Aid for Local Schools and restores the State's contribution to 55% of 100% of Essential Programs and Services.

| GENERAL FUND | 2007-08 | 2008-09 |
|--------------------|---------|--------------|
| All Other | \$0 | \$37,266,112 |
| <hr/> | | |
| GENERAL FUND TOTAL | \$0 | \$37,266,112 |

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment restores funding for General Purpose Aid for Local Schools. It reduces the eligibility level for parents of MaineCare-eligible children from 200% to 125%. It repeals the requirement for Dirigo Health to transfer funds to MaineCare to fund the state seed for parents at 150% to 200% of the federal poverty level. It further restricts spending for the MaineCare childless adult waiver program to \$57,000,000 per year in combined federal and state spending. It transfers funds from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund.

FISCAL NOTE REQUIRED

(See attached)