

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 the emergency preamble.

Amend the amendment in Part A in section 1 on page 6 in the last initiative in the last line (page 6, line 33 in amendment) by striking out the following: "April 1, 2008" and inserting the following: 'pursuant to financial order'

Amend the amendment in Part A in section 1 on page 14 in the first initiative in the 3rd line (page 14, line 6 in amendment) by striking out the following: "will not take effect until" and inserting the following: 'applies on and after'

Amend the amendment in Part A in section 28 on page 141 in the 2nd initiative in the 5th line (page 141, line 14 in amendment) by striking out the following: "June 1, 2008" and inserting the following: 'June 30, 2008'

Amend the amendment in Part A in section 37 on page 179 in the last initiative in the last line (page 179, line 30 in amendment) by striking out the following: "April 1, 2008" and inserting the following: 'pursuant to financial order'

Amend the amendment in Part F in section 2 in the first paragraph in the last line (page 264, line 21 in amendment) by striking out the following: "May 1, 2008" and inserting the following: 'July 1, 2008'

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

## PART L

**Sec. L-1. Transfers to Maine Clean Election Fund.** In addition to the transfers authorized pursuant to the Maine Revised Statutes, Title 21-A, section 1124, the State Controller shall transfer \$2,425,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before June 1, 2010 and shall transfer an additional \$2,000,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before August 1, 2010.

**Sec. L-2. Reduction in payments under the Maine Clean Election Fund.** Notwithstanding the procedures set forth in the Maine Revised Statutes, Title 21-A, section 1125, subsection 8, the Commission on Governmental Ethics and Election Practices shall reduce the initial payment amounts established for Maine Clean Election Act candidates in the 2008 and 2009 general election by 10%.

**Sec. L-3. Transfer of funds from Maine Clean Election Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$270,398 on or before June 30, 2008 and \$271,434 on or before June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund.'

Amend the amendment in Part N in section 75 in subsection 1 in the first line (page 291, line 29 in amendment) by striking out the following: "must begin by June 1, 2008 and"

Amend the amendment in Part XX by striking out all of sections 3 to 6.

Amend the amendment in Part GGG by striking out all of section 3 (page 341, lines 6 to 14 in amendment) and inserting the following:

**‘Sec. GGG-3. Report.** The entity selected to conduct the evaluation, known as the contractor, shall complete and present a final report with findings and recommendations to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters; the joint standing committee of the Legislature having jurisdiction over taxation matters; and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than February 1, 2009.’

Amend the amendment in Part JJJ in section 2 in the initiative in the 5th line (page 343, line 2 in amendment) by striking out the following: "June 1, 2008" and inserting the following: 'June 30, 2008'

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

## **PART AAAA**

**Sec. AAAA-1. 36 MRSA §5200-A, sub-§2, ¶H,** as amended by PL 2005, c. 218, §56, is further amended to read:

H. For each taxable year subsequent to the year of the loss, an amount equal to the absolute value of the net operating loss arising from tax years beginning on or after January 1, 1989 but before January 1, 1993 and the absolute value of the amount of any net operating loss arising from tax years beginning on or after January 1, 2002, for which federal adjusted gross income was increased under subsection 1, paragraph H and that, pursuant to the Code, Section 172, was carried back for federal income tax purposes, less the absolute value of loss used in the taxable year of loss to offset any addition modification required by subsection 1, but only to the extent that:

- (1) Maine taxable income is not reduced below zero;
- (2) The taxable year is within the allowable federal period for carry-over; ~~and~~
- (3) The amount has not been previously used as a modification pursuant to this subsection; and
- (4) For taxable years beginning in 2008 or 2009, the amount does not exceed \$100,000. In the case of an affiliated group of corporations engaged in a unitary business, the \$100,000 threshold applies with respect to the entire affiliated group of corporations.

**Sec. AAAA-2. 36 MRSA §5200-A, sub-§2, ¶L,** as amended by PL 2005, c. 416, §4, is further amended to read:

L. An amount equal to the absolute value of any net operating loss arising from a tax year beginning or ending in 2001 for which federal taxable income was increased under subsection 1, paragraph M and that, pursuant to Section 102 of the federal Job Creation and Worker Assistance Act of 2002, Public Law 107-147, was carried back more than 2 years to the taxable year for federal income tax purposes, but only to the extent that:

(1) Maine taxable income is not reduced below zero;

(2) The taxable year is either within 2 years prior to the year in which the loss arose or within the allowable federal period for carry-over of net operating losses; and

(3) The amount has not been previously used as a modification pursuant to this subsection; and

(4) For taxable years beginning in 2008 or 2009, the amount does not exceed \$100,000. In the case of an affiliated group of corporations engaged in a unitary business, the \$100,000 threshold applies with respect to the entire affiliated group of corporations.

Amend the amendment in Part BBBB by inserting after section 2 the following:

‘**Sec. BBBB-3. 36 MRSA §6207, sub-§2-A** is enacted to read:

**2-A. Income eligibility.** Claimants with household incomes in excess of \$75,000 are not eligible for a benefit.’

Amend the amendment by striking out all of Part FFFF.

Amend the amendment by striking out all of Part LLLL.

Amend the amendment by inserting after Part MMMM the following:

## **PART NNNN**

‘**Sec. NNNN-1. Survey; noncategorical waiver program.** The Department of Health and Human Services shall enter into a contract with an independent entity to conduct a survey of members enrolled in the childless adult waiver program in cooperation with the federal Centers for Medicare and Medicaid Services. The goals of the survey are:

1. To obtain a longitudinal profile of the health, employment and socioeconomic status of the enrolled members;

2. To gather information that will enable the formulation of a recommendation regarding an improved suite of benefits to better serve a greater number of people at lesser cost; and

3. To find efficiencies that will enable the State to best deploy available resources to improve the health and welfare of those whose incomes are below 100% of the federal poverty level.

The department shall submit a report detailing the results of the survey to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 3, 2008.

**Sec. NNNN-2. Appropriations and allocations.** The following appropriations and allocations are made.

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

**Bureau of Medical Services 0129**

Initiative: Provides funds for the Department of Health and Human Services to contract for an independent survey of members enrolled in the childless adult waiver program in cooperation with the federal Centers for Medicare and Medicaid Services. The goals of the survey are to obtain a longitudinal profile of the health, employment and socioeconomic status of the population; to recommend an improved suite of benefits to better serve a greater number of people at lesser cost; and to find efficiencies that will enable the State to best deploy available resources to improve the health and welfare of those whose incomes are below 100% of the federal poverty line.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$150,000
GENERAL FUND TOTAL	\$0	\$150,000

**PART OOOO**

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

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior, District and Administrative 0063**

Initiative: Provides funds to continue the Kennebec County Co-Occurring Disorders Court program by providing funds for intensive case management and for substance abuse testing.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$85,000
GENERAL FUND TOTAL	\$0	\$85,000

**PART PPPP**

**Sec. PPPP-1. Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$3,428,889 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund no later than June 30, 2009.

**PART QQQQ**

**Sec. QQQQ-1. Restriction on out-of-state travel.** The Governor shall implement a policy restricting out-of-state travel for the executive branch to the minimum necessary to maintain effective operations, except for travel that is:

1. Directly related to the care of residents, wards, foster children and other individuals under state care or protection;
2. Required in the execution of law enforcement investigations, interstate contracts directly related to the extradition of an individual or the transfer of an individual to or from a correctional facility;
3. Directly involved in the securing of revenue or that directly affects revenue; or
4. Required in emergencies or other extraordinary circumstances.

**Sec. QQQQ-2. Calculation and transfer; General Fund out-of-state travel savings.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 3 that applies against each General Fund account for all executive branch departments and independent agencies from savings resulting from a reduction in out-of-state travel under section 1 and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09.

**Sec. QQQQ-3. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Executive Branch Department and Independent Agencies - Statewide 0017**

Initiative: Reduces funding from a reduction in out-of-state travel.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$250,000)
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<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$250,000)</b>

**PART RRRR**

**Sec. RRRR-1. Legislative account; lapsed balances; Office of Program Evaluation and Government Accountability - General Fund.** Notwithstanding any other provision of law, \$16,517 of unencumbered balance forward in the Personal Services line category and \$350,964 in the unencumbered balance forward in the All Other line category in the Office of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund in fiscal year 2008-09.

**Sec. RRRR-2. Appropriations and allocations.** The following appropriations and allocations are made.

**PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF  
Office of Program Evaluation and Government Accountability 0976**

Initiative: Deappropriates funds from the office that are not necessary.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	(\$195,000)	\$0
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GENERAL FUND TOTAL	(\$195,000)	\$0

**PART SSSS**

**Sec. SSSS-1. 5 MRSA §285, sub-§7,** as amended by PL 2001, c. 439, Pt. XX, §5 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

**7. Payment by State.** Except as otherwise provided in this subsection, the State, through the commission, shall pay 100% of only the employee's share of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission, except for Legislators, for whom that, effective July 1, 2008, the State shall pay 95% of a Legislator's share of the individual premium for the standard plan identified and offered by the commission and available to the Legislator as authorized by the commission, and except that the State shall pay for a Legislator 50% of the health plan premium for dependent coverage. For any person appointed to a position after November 1, 1981 who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours. The State may not pay any portion of the health plan premium for a blind person eligible for the group health plan under subsection 1, paragraph H or for a licensed foster parent eligible for the group health plan under subsection 1, paragraph I.

For persons who were first employed before July 1, 1991, the State shall pay 100% of only the retiree's share of the premiums for the standard plan identified and offered by the commission and available to the retiree, as authorized by the commission for persons who were previously eligible for this health plan pursuant to subsection 1, paragraph A and who have subsequently become eligible pursuant to subsection 1, paragraph G.

For persons who were first employed by the State after July 1, 1991, the State shall pay a pro rata share portion of only the retiree's share of the premiums for the standard plan identified and offered by the commission and available to the retiree, as authorized by the commission for persons who were previously eligible for this health plan pursuant to subsection 1, paragraph A and who have subsequently become eligible pursuant to subsection 1, paragraph G based on the total number of years of participation in the group health plan prior to retirement as follows:

Years of Participation	State Portion
10 or more years	100% group health plan premium
9 but less than 10 years	90% group health plan premium
8 but less than 9 years	80% group health plan premium
7 but less than 8 years	70% group health plan premium
6 but less than 7 years	60% group health plan premium
5 but less than 6 years	50% group health plan premium
Less than 5 years	No contribution

Pursuant to Title 20-A, section 12722, subsection 5, this subsection applies to participants in the defined contribution plan offered by the Maine Community College System Board of Trustees under Title 20-A, section 12722.

**Sec. SSSS-2. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

Initiative: Deappropriates projected health insurance savings resulting from a reduction in the state share from 100% to 95% of the individual premium for Legislators.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$72,785)
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GENERAL FUND TOTAL	\$0	(\$72,785)

**PART TTTT**

**Sec. TTTT-1. Publication of legal or public notices.** Notwithstanding any provision of law to the contrary, a department in the executive branch or an independent or quasi-independent agency may truncate the requirements regarding legal and public notice publication.

**Sec. TTTT-2. Identification of savings.** The Commissioner of Administrative and Financial Services shall identify \$89,000 in savings related to the truncation of publishing of legal or public notices by a department in the executive branch or an independent or quasi-independent agency in newspapers pursuant to section 1.

**Sec. TTTT-3. Calculation and transfer.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings achieved pursuant to this Part that applies against each General Fund account for all departments and agencies from savings in the cost of legal and public notice publications and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than November 1, 2008.

**Sec. TTTT-4. Submission of legislation.** By December 5, 2008, the Commissioner of Administrative and Financial Services shall submit to the joint standing committee of the Legislature having jurisdiction over state and local government matters proposed legislation to reflect the truncated legal and public notice publication requirements implemented pursuant to section 1. After receipt and review of the proposed legislation, the joint standing committee may report out a bill to the First Regular Session of the 124th Legislature.

**Sec. TTTT-5. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Deappropriates savings resulting from the phasing out of publishing legal and public notices in the newspaper.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$89,000)
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<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$89,000)</b>

**PART UUUU**

**Sec. UUUU-1. Monthly implementation report.** Until June 30, 2009, the Commissioner of Health and Human Services shall report monthly to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over human services matters on the status of implementing provisions in Part A, section 27 affecting individuals with mental retardation and developmental disabilities.

**PART VVVV**

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

**CONSERVATION, DEPARTMENT OF**

**Parks - General Operations 0221**

Initiative: Establishes one Management Analyst I position to maintain costs within available resources. The cost of this position is offset by the elimination of one Public Service Coordinator I position in the Land Use Regulation Commission program.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$61,045
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GENERAL FUND TOTAL	\$0	\$61,045

<b>CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$61,045</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$61,045</b>

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

**Administration - Defense, Veterans and Emergency Management 0109**

Initiative: Restores \$5,000 in funding for the civil air patrol program.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$5,000

GENERAL FUND TOTAL	\$0	\$5,000
<b>DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$5,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$5,000</b>

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior, District and Administrative 0063**

Initiative: Adjusts funding between fiscal years to provide additional funding in fiscal year 2007-08 for indigent defense costs.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$450,000	(\$450,000)
GENERAL FUND TOTAL	\$450,000	(\$450,000)
<b>JUDICIAL DEPARTMENT DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$450,000</b>	<b>(\$450,000)</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$450,000</b>	<b>(\$450,000)</b>
<b>SECTION TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$450,000</b>	<b>(\$383,955)</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$450,000</b>	<b>(\$383,955)</b>

**PART WWWW**

**Sec. WWW-1. Transfer of funds; Conservation Program Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$750,000 from the Conservation Program Fund, Other Special Revenue Funds program within the Public Utilities Commission to General Fund unappropriated surplus on or before June 30, 2008.

**PART XXXX**

**Sec. XXXX-1. 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.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$3,000,000)
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GENERAL FUND TOTAL	\$0	(\$3,000,000)
<b>FEDERAL EXPENDITURES FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	(\$5,364,372)
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FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$5,364,372)

Amend the amendment by striking out all of the emergency clause (page 375, lines 11 and 12 in amendment).

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

**SUMMARY**

This amendment accomplishes the following.

1. It removes the emergency preamble and emergency clause and adjusts dates as needed.

2. It transfers \$2,425,000 from General Fund undedicated revenue to the Maine Clean Election Fund in fiscal year 2009-10 and \$2,000,000 in fiscal year 2010-11. It authorizes the Commission on Governmental Ethics and Election Practices to reduce the initial payment amounts established for Maine Clean Election Act candidates in the 2008 and 2009 general election by 10%. It also authorizes the State Controller to transfer \$270,398 on or before June 30, 2008 and \$271,434 on or before June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund.

3. It removes sections from Part XX that would have made TANF recipients ineligible for both nonemergency and emergency general assistance.

4. It eliminates the requirement in Part GGG that the contractor evaluating economic development programs and tax incentives submit a preliminary report and changes the date of the final report to February 1, 2009.

5. It amends the Maine Revised Statutes, Title 36, section 5200-A, subsection 2, paragraphs H and L to limit the subtraction modification for the recapture of carry-back net operating losses to \$100,000 in taxable years beginning in 2008 and 2009. Unused amounts resulting from the limitation may be carried over to future tax years that are within the federal carry-over period for net operating losses.

6. It establishes a household income limitation of \$75,000 for nonelderly claimants under the Maine Residents Property Tax Program.

7. It removes the requirement that the Treasurer of State implement a policy requiring the annual sale of shares of stock that are delivered to the State as unclaimed property.

8. It repeals that Part of Committee Amendment "A" that eliminated the Office of Program Evaluation and Government Accountability.

9. It directs the Department of Health and Human Services to enter into a contract with an independent entity to conduct a survey of persons covered by the noncategorical waiver program in order to recommend an improved suite of benefits to better serve a greater number of people at lesser cost and to find efficiencies to enable the State to best deploy available resources to improve the health and welfare of those whose incomes are below 100% of the federal poverty level.

10. It provides funds to the Judicial Department to continue funding of the Kennebec County Co-Occurring Disorders Court program. The funds will be used for intensive case management and substance abuse testing.

11. It transfers the unexpended balance from the Fund for a Healthy Maine.

12. It requires the Governor to implement a policy restricting out-of-state travel for the executive branch. It requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings from a reduction in out-of-state travel.

13. It transfers unencumbered balances in the Office of Program Evaluation and Government Accountability and deappropriates funds as a result of the elimination of positions in that office.

14. It deappropriates projected health insurance savings resulting from a reduction in the state share from 100% to 95% of the individual premium for Legislators.

15 It authorizes executive branch agencies to truncate the requirements regarding legal and public notice publication and directs that savings in the amount of \$89,000 be identified and transferred to the General Fund.

16. It requires the Commissioner of Health and Human Services to make monthly reports to the Legislature concerning implementing provisions affecting individuals with mental retardation and developmental disabilities.

17. It includes offsets to deappropriations made in Part A to the Department of Conservation for a Management Analyst I position, to the Department of Defense, Veterans and Emergency Management for the civil air patrol program and to the Judicial Department for indigent defense costs.

18. It directs the State Controller to transfer \$750,000 from the Conservation Program Fund within the Public Utilities Commission to the General Fund unappropriated surplus.

19. It 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.

**FISCAL NOTE REQUIRED**  
**(See attached)**