

# **129th MAINE LEGISLATURE**

# FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 1000

H.P. 742

House of Representatives, February 26, 2019

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019

(EMERGENCY)

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative GATTINE of Westbrook. (GOVERNOR'S BILL) Cosponsored by Senator BREEN of Cumberland and Representatives: DUNPHY of Old Town, HUBBELL of Bar Harbor, JORGENSEN of Portland, MILLETT of Waterford, PIERCE of Falmouth, WADSWORTH of Hiram, Senator: SANBORN, L. of Cumberland.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- Whereas, the 90-day period may not terminate until after the beginning of the next
   fiscal year; and
- 5 **Whereas,** certain obligations and expenses incident to the operation of state 6 departments and institutions will become due and payable immediately; and

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,

- 11 Be it enacted by the People of the State of Maine as follows:
- 12 **PART A**
- Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.

#### 15 ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

#### 16 Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Adjusts funding as a result of the review of vacant positions as authorized in
Public Law 2017, chapter 284, Part EE.

19	GENERAL FUND	2018-19	2019-20	2020-21
20	Personal Services	\$2,899,082	\$0	\$0
21				
22	GENERAL FUND TOTAL	\$2,899,082	\$0	\$0
•••				
23	ADMINISTRATIVE AND			
24	FINANCIAL SERVICES,			
25	DEPARTMENT OF			
26	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
27				
28	GENERAL FUND	\$2,899,082	<b>\$0</b>	\$0
29				
30	DEPARTMENT TOTAL - ALL	\$2,899,082	<b>\$0</b>	\$0
31	FUNDS			

### 32 AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

33 Land Management and Planning Z239

1 Initiative: Provides funding for capital construction materials, capital improvements to 2 bridges and roads, and other improvements to recreational trails and sites used by the 3 public.

4	<b>OTHER SPECIAL REVENUE</b>	2018-19	2019-20	2020-21
5	FUNDS			
6	Capital Expenditures	\$200,000	\$0	\$0
7				
8	OTHER SPECIAL REVENUE	\$200,000	\$0	\$0
9	FUNDS TOTAL			
10	AGRICULTURE,			
11	CONSERVATION AND			
12	FORESTRY, DEPARTMENT OF			
13	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
14				
15	<b>OTHER SPECIAL REVENUE</b>	\$200,000	<b>\$0</b>	\$0
16	FUNDS			
17				
18	DEPARTMENT TOTAL - ALL	\$200,000	<b>\$0</b>	\$0
19	FUNDS			

#### 20 CULTURAL AFFAIRS COUNCIL, MAINE STATE

#### 21 State of Maine Bicentennial Celebration Z260

Initiative: Provides one-time funding for staff support and other expenses associated with the planning of the State of Maine bicentennial celebration. Funds appropriated for this purpose do not lapse but must be carried forward into the next fiscal year to be used only to support the expenses of planning the bicentennial celebration.

26	GENERAL FUND	2018-19	2019-20	2020-21
27	All Other	\$1,000,000	\$0	\$0
28				
29	GENERAL FUND TOTAL	\$1,000,000	\$0	\$0
30	CULTURAL AFFAIRS COUNCIL,			
31	MAINE STATE	<b>A</b> 010 10		
32	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
33				
34	GENERAL FUND	\$1,000,000	<b>\$0</b>	<b>\$0</b>
35				

# 1 DEPARTMENT TOTAL - ALL \$1,000,000 \$0 \$0 2 FUNDS \$0

# 3 DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT 4 OF

#### 5 **Disaster Assistance 0841**

Initiative: Provides one-time funding to the Disaster Recovery Fund to meet the State's
share of estimated disaster recovery costs, as authorized in the Maine Revised Statutes,
Title 37-B, section 744, subsection 2-A.

9	GENERAL FUND	2018-19	2019-20	2020-21
10	All Other	\$2,500,000	\$0	\$0
11				
12	GENERAL FUND TOTAL	\$2,500,000	\$0	\$0
13	DEFENSE, VETERANS AND			
14	EMERGENCY MANAGEMENT,			
15	DEPARTMENT OF			
16	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
17				
18	GENERAL FUND	\$2,500,000	<b>\$0</b>	\$0
19				
20	DEPARTMENT TOTAL - ALL	\$2,500,000	<b>\$0</b>	\$0

21 FUNDS

#### 22 **EXECUTIVE DEPARTMENT**

#### 23 **Public Advocate 0410**

Initiative: Provides funding for expert witnesses and related costs in upcoming billing andmetering and rate cases.

26	<b>OTHER SPECIAL REVENUE</b>	2018-19	2019-20	2020-21
27	FUNDS			
28	All Other	\$352,078	\$0	\$0
29				
30	OTHER SPECIAL REVENUE	\$352,078	\$0	\$0
31	FUNDS TOTAL			

1	EXECUTIVE DEPARTMENT			
2	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
3				
4	<b>OTHER SPECIAL REVENUE</b>	\$352,078	<b>\$0</b>	\$0
5	FUNDS			
6				
7	<b>DEPARTMENT TOTAL - ALL</b>	\$352,078	<b>\$0</b>	<b>\$0</b>
8	FUNDS			

#### 9 HEALTH AND HUMAN SERVICES, DEPARTMENT OF

#### 10 Disproportionate Share - Dorothea Dix Psychiatric Center Z225

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and
 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to
 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund
 and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

15	GENERAL FUND	2018-19	2019-20	2020-21
16	POSITIONS - LEGISLATIVE	6.000	0.000	0.000
17	COUNT			
18	Personal Services	\$145,879	\$0	\$0
19				
20	GENERAL FUND TOTAL	\$145,879	\$0	\$0

#### 21 **Dorothea Dix Psychiatric Center Z222**

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and
 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to
 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund
 and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

26	GENERAL FUND	2018-19	2019-20	2020-21
27	<b>POSITIONS - LEGISLATIVE</b>	(6.000)	0.000	0.000
28	COUNT			
29	Personal Services	(\$145,879)	\$0	\$0
30				
31	GENERAL FUND TOTAL	(\$145,879)	\$0	\$0

#### 32 Medical Care - Payments to Providers 0147

Initiative: Adjusts allocations between the Medical Care - Payments to Providers program
 and the Nursing Facilities program within the same fund to correct an allocation approved
 in Public Law 2017, chapter 460.

1	FEDERAL EXPENDITURES	2018-19	2019-20	2020-21
2	FUND			
3	All Other	(\$11,528,954)	\$0	\$0
4		·		
5	FEDERAL EXPENDITURES FUND	(\$11,528,954)	\$0	\$0
6	TOTAL			

#### 7 Nursing Facilities 0148

8 Initiative: Adjusts allocations between the Medical Care - Payments to Providers program
 9 and the Nursing Facilities program within the same fund to correct an allocation approved
 10 in Public Law 2017, chapter 460.

11	FEDERAL EXPENDITURES	2018-19	2019-20	2020-21
12	FUND			
13	All Other	\$11,528,954	\$0	\$0
14				
15	FEDERAL EXPENDITURES FUND	\$11,528,954	\$0	\$0
16	TOTAL			
17				
17	HEALTH AND HUMAN			
18	SERVICES, DEPARTMENT OF			
19	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
20				
21	GENERAL FUND	\$0	<b>\$0</b>	\$0
22	FEDERAL EXPENDITURES	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
23	FUND			
24				
25	DEPARTMENT TOTAL - ALL	\$0	\$0	\$0
24	EUNIDO			

26 FUNDS

#### 27 HISTORIC PRESERVATION COMMISSION, MAINE

#### 28 Historic Preservation Commission 0036

29 Initiative: Provides funding for Personal Services costs due to a projected shortfall.

30	GENERAL FUND	2018-19	2019-20	2020-21
31	Personal Services	\$23,927	\$0	\$0
32				
33	GENERAL FUND TOTAL	\$23,927	\$0	\$0

1	HISTORIC PRESERVATION			
2	COMMISSION, MAINE			
3	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
4				
5	GENERAL FUND	\$23,927	<b>\$0</b>	<b>\$0</b>
6				
7	DEPARTMENT TOTAL - ALL	\$23,927	<b>\$0</b>	<b>\$0</b>
8	FUNDS			

#### 9 JUDICIAL DEPARTMENT

#### 10 **Courts - Supreme, Superior and District 0063**

Initiative: Provides funding to meet current rates developed by the Department of
 Administrative and Financial Services, Office of Information Technology for network
 access.

14 15	GENERAL FUND All Other	<b>2018-19</b> \$184,214	<b>2019-20</b> \$0	<b>2020-21</b> \$0
16 17	GENERAL FUND TOTAL	\$184,214	\$0	\$0
10				
18 19 20	JUDICIAL DEPARTMENT DEPARTMENT TOTALS	2018-19	2019-20	2020-21
20 21 22	GENERAL FUND	\$184,214	\$0	\$0
23 24	DEPARTMENT TOTAL - ALL FUNDS	\$184,214	\$0	\$0

#### 25 LIBRARY, MAINE STATE

#### 26 Administration - Library 0215

27 Initiative: Provides funding for Personal Services costs due to a projected shortfall.

28	GENERAL FUND	2018-19	2019-20	2020-21
29	Personal Services	\$13,000	\$0	\$0
30				
31	GENERAL FUND TOTAL	\$13,000	\$0	\$0

#### 32 Maine State Library 0217

33 Initiative: Provides funding for the full subscription and support of 13 public computers.

1	GENERAL FUND	2018-19	2019-20	2020-21
2	All Other	\$6,400	\$0	\$0
3				
4	GENERAL FUND TOTAL	\$6,400	\$0	\$0

### 5 Maine State Library 0217

6 Initiative: Provides funding for Personal Services costs due to a projected shortfall.

7	GENERAL FUND	2018-19	2019-20	2020-21
8	Personal Services	\$16,000	\$0	\$0
9		¢1( 000	<u> </u>	
10	GENERAL FUND TOTAL	\$16,000	\$0	\$0
11	LIBRARY, MAINE STATE			
12	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
13				
14	GENERAL FUND	\$35,400	<b>\$0</b>	\$0
15				
16	DEPARTMENT TOTAL - ALL	\$35,400	<b>\$0</b>	\$0
17	FUNDS			

#### 18 MARINE RESOURCES, DEPARTMENT OF

#### 19 Bureau of Policy and Management 0258

Initiative: Reallocates 15% of the cost of 8 Marine Patrol Officer positions and 3 Marine
Patrol Specialist positions and 10% of the cost of 2 Marine Patrol Mechanic Specialist
positions from the Bureau of Policy and Management program, Other Special Revenue
Funds to the Marine Patrol - Bureau of program, General Fund.

24	OTHER SPECIAL REVENUE	2018-19	2019-20	2020-21
25	FUNDS			
26	Personal Services	(\$180,872)	\$0	\$0
27				
28	OTHER SPECIAL REVENUE	(\$180,872)	\$0	\$0
29	FUNDS TOTAL			

#### 30 Marine Patrol - Bureau of 0029

Initiative: Provides funding for the Department of Public Safety's State Police records
 management system.

1	GENERAL FUND	2018-19	2019-20	2020-21
2	All Other	\$36,563	\$0	\$0
3	GENERAL FUND TOTAL	\$36,563	\$0	\$0
4	ULINERAL FUND TOTAL	\$50,505	<b>\$</b> 0	<b>\$</b> 0

#### 5 Marine Patrol - Bureau of 0029

Initiative: Reallocates 15% of the cost of 8 Marine Patrol Officer positions and 3 Marine
Patrol Specialist positions and 10% of the cost of 2 Marine Patrol Mechanic Specialist
positions from the Bureau of Policy and Management program, Other Special Revenue
Funds to the Marine Patrol - Bureau of program, General Fund.

10	GENERAL FUND	2018-19	2019-20	2020-21
11	Personal Services	\$180,872	\$0	\$0
12				
13	GENERAL FUND TOTAL	\$180,872	\$0	\$0

#### 14 Marine Patrol - Bureau of 0029

Initiative: Provides funding for an increase in fees for dispatch services provided by theDepartment of Public Safety.

17	GENERAL FUND	2018-19	2019-20	2020-21
18	All Other	\$41,561	\$0	\$0
19				
20	GENERAL FUND TOTAL	\$41,561	\$0	\$0

#### 21 Marine Patrol - Bureau of 0029

Initiative: Provides funding for insurance, uniforms, training, rents and minor equipmentfor the Bureau of Marine Patrol.

24 25	GENERAL FUND All Other	<b>2018-19</b> \$176,387	<b>2019-20</b> \$0	<b>2020-21</b> \$0
26 27	GENERAL FUND TOTAL	\$176,387	\$0	\$0
28	MARINE RESOURCES,			
29 20	DEPARTMENT OF DEPARTMENT TOTALS	2018-19	2019-20	2020-21
30 31	DEPARTMENT TOTALS	2010-19	2019-20	2020-21
32	GENERAL FUND	\$435,383	<b>\$0</b>	\$0
33	<b>OTHER SPECIAL REVENUE</b>	(\$180,872)	\$0	\$0
34	FUNDS			

1 2 3	DEPARTMENT TOTAL - ALL FUNDS	\$254,511	<u>\$0</u>	\$0
4	PROPERTY TAX REVIEW, STATE B	OARD OF		
5	Property Tax Review - State Board of 0.	357		
6	Initiative: Provides funding for payment of	f Attorney General	legal fees.	
7	GENERAL FUND	2018-19	2019-20	2020-21
8	All Other	\$38,772	\$0	\$0
9 10	GENERAL FUND TOTAL	\$38,772	\$0	\$0
1.1				
11 12	PROPERTY TAX REVIEW, STATE BOARD OF			
12	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
14				
15	GENERAL FUND	\$38,772	<b>\$0</b>	\$0
16 17 18	DEPARTMENT TOTAL - ALL FUNDS	\$38,772	\$0	\$0

## 19 SECRETARY OF STATE, DEPARTMENT OF

### 20 Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding for the annual lease of accessible voting system equipment,
 software and support to municipalities for 2019.

23	GENERAL FUND	2018-19	2019-20	2020-21
24	All Other	\$400,000	\$0	\$0
25				
26	GENERAL FUND TOTAL	\$400,000	\$0	\$0
27	SECRETARY OF STATE,			
28	DEPARTMENT OF			
29	DEPARTMENT TOTALS	2018-19	2019-20	2020-21
30				
31	GENERAL FUND	\$400,000	<b>\$0</b>	<b>\$0</b>
32				

1 2	DEPARTMENT TOTAL - ALL FUNDS	\$400,000	\$0	\$0	
3 4	SECTION TOTALS	2018-19	2019-20	2020-21	
4 5 6	GENERAL FUND FEDERAL EXPENDITURES	\$7,516,778 \$0	\$0 \$0	\$0 \$0	
7 8 9	FUND OTHER SPECIAL REVENUE FUNDS	\$371,206	\$0	\$0	
10 11	SECTION TOTAL - ALL FUNDS	\$7,887,984	<b>\$0</b>	\$0	
12	PA	ART B			
13 14	Sec. B-1. 22 MRSA §3174-SS, repealed.	as enacted by PL	2011, c. 477, l	Pt. I, §1, is	
15	PART C				
16 17	Sec. C-1. 22 MRSA §3174-VV, as amended by PL 2017, c. 407, Pt. A, §78, is repealed.				
18	PA	ART D			
19	Sec. D-1. 34-A MRSA c. 3, sub-c.	6, as amended, is a	repealed.		
20	Sec. D-2. 34-A MRSA c. 3, sub-c.	10 is enacted to re	ad:		
21	<u>SUBCH</u>	IAPTER 10			
22	WASHINGTON COUNT	TY PRERELEAS	SE CENTER		
23	<u>§4301. Establishment</u>				
24 25 26	There is established the Washington County Prerelease Center, referred to in this subchapter as "the center," which must be located in Washington County as a minimum security unit of the Mountain View Correctional Facility.				
27	<u>§4302. Purposes</u>				
28 29	The purposes of the center include vo including work release and work involving		and rehabilitative	e programs,	

# 1 §4303. Superintendent

2 3 4	<b>1.</b> Chief administrative officer. The chief administrative officer of the center is the superintendent of the Mountain View Correctional Facility as described in section 4103, subsection 1, referred to in this subchapter as "the superintendent."
5 6	2. Duties. In addition to other duties set out in this chapter, the superintendent has the following duties.
7 8	A. The superintendent shall exercise proper supervision over the employees, grounds, buildings and equipment at the center.
9 10	B. The superintendent shall supervise and control the prisoners at the center in accordance with departmental rules.
11	§4304. Prisoners generally
12 13 14	<b><u>1. Confinement of prisoners transferred to center.</u></b> All prisoners transferred to the center must be detained and confined in accordance with the sentences of the court and the rules of the department.
15 16 17	2. Work release. The superintendent shall work collaboratively with private employers as necessary to ensure the provision of suitable work release opportunities for prisoners at the center.
18 19 20 21	<b>3.</b> Employment. The commissioner may authorize the employment of prisoners at the center on public works with any department, agency or entity of state, county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.
22 23 24 25	A. The commissioner shall adopt those rules as the commissioner considers proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and departmental employees. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
26 27 28	B. The purpose of the employment authorized in this subsection is to provide training to the prisoners and to be a form of public restitution for the crimes committed by the prisoners.
29 30	C. A prisoner employed under this subsection may not be compensated monetarily for work performed.
31 32 33 34	D. The commissioner may request that a nonprofit organization pay for the transportation of the prisoners it employs and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed.
35 36 37	<b>4. Escape.</b> A prisoner who escapes from the center or from any assignment beyond the grounds of the center, including assignment with community rehabilitative programs, is guilty of escape under Title 17-A, section 755.

#### 1 §4305. Employees of the center

Employees of the center have the same power as deputy sheriffs in their respective
 counties to search for and apprehend a prisoner who has escaped from the center when
 those employees are authorized to do so by the superintendent.

Sec. D-3. Authority for property purchase for Washington County 5 6 Prerelease Center. The Commissioner of Corrections may purchase a parcel of land and buildings in Washington County for the Washington County Prerelease Center by 7 warranty deed with or without covenants to be conveyed to the State of Maine 8 Department of Corrections and recorded in the Washington County Registry of Deeds. 9 The commissioner may purchase the property and negotiate any sales, solicit bids or 10 directly enter a purchase and sale agreement. A purchase of property pursuant to this 11 12 section must be approved by the Director of the Bureau of General Services within the Department of Administrative and Financial Services. 13

PART E

- 14
- 15
- Sec. E-1. PL 2015, c. 483, §1, sub-§5 is amended to read:

5. Cost recovery fund. There is established within the commission a nonlapsing 16 cost recovery fund, referred to in this section as "the fund." The fund receives funds 17 allocated or transferred by the Legislature from the unappropriated surplus of the General 18 Fund in accordance with subsection 8. The commission shall use the fund to pay all 19 above-market costs of any contract entered into under this section. No more than 50% of 20 the fund may be awarded to facilities serving the NMISA region. At the close of fiscal 21 year 2016-17, amounts remaining in the cost recovery fund that the commission has 22 23 determined are not needed to pay above-market costs in accordance with subsection 6 must be transferred to the Maine Budget Stabilization Fund established under the Maine 24 Revised Statutes, Title 5, section 1532. The commission by rule or order shall establish 25 how above-market costs are determined and how payments from the fund are made. At 26 the close of fiscal year 2018-19, \$5,461,387.64 in the cost recovery fund must be 27 28 transferred to the General Fund unappropriated surplus in fiscal year 2018-19.

29

#### PART F

**Sec. F-1. Transfer balances.** Notwithstanding any other provision of law, at the close of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance specifically related to federal supplemental nutrition assistance program overpayments in the Food Supplement Administration program, Federal Expenditures Fund to the Food Supplement Administration program, Other Special Revenue Funds.

- 37
- Sec. G-1. Office of the Public Advocate; special assessment on electric
   utility entities. Notwithstanding any other provision of law, in fiscal year 2018-19,
   every electric utility entity subject to an assessment under the Maine Revised Statutes,

PART G

1	Title 35-A, section 116, subsection 8 is subject to an additional assessment on its
2	intrastate gross operating revenues sufficient to produce \$353,000 total. The revenues
3 4	Fund. All Other funds in the amount of \$353,000 may be used only for the costs
4 5	associated with representing electric utility ratepayers in the State and the State's public
6	interests for the anticipated Emera Maine rate case and bifurcated Central Maine Power
7	Company billing and metering and rate cases for retention of expert witnesses and related
8	costs.
9	Emergency clause. In view of the emergency cited in the preamble, this
10	legislation takes effect when approved.
11	SUMMARY
12	PART A
13	This Part makes appropriations and allocations.
14	PART B
15	This Part repeals the limited lifetime maximum coverage and reimbursement of 24
16	months under the MaineCare program for buprenorphine and naloxone combination
17	drugs for the treatment of addiction.
18	PART C
19 20	This Part repeals the limited lifetime maximum reimbursement of 24 months under the MaineCare program for methadone for the treatment of addiction.
21	PART D
22 23	This Part repeals the laws governing the former Downeast Correctional Facility and establishes a Department of Corrections prerelease center in Washington County.
24	PART E
25	
25 26	This Part transfers the remaining funds in the cost recovery fund of the Public
26 27	Utilities Commission to the unappropriated surplus of the General Fund in fiscal year 2018-19.
28	PART F
29	This Part requires the State Controller to transfer any remaining balance specifically
30	related to federal supplemental nutrition assistance program overpayments in the Food
31	Supplement Administration program, Federal Expenditures Fund to the Food Supplement
32	Administration program, Other Special Revenue Funds.
33	PART G

- This Part imposes an additional assessment on electric utility entities for fiscal year 2018-19 to provide funding to the Office of the Public Advocate in order to fund the costs of representing ratepayers in rate cases. 1 2
- 3