

# MAINE STATE LEGISLATURE

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R08

L.D. 2220

DATE: 11-12-02

(Filing No. H-1126)

MAJORITY  
APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220, Bill, "An Act to Make 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 Year Ending June 30, 2003"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable prior to June 30, 2003; and

**Whereas,** it is necessary that such modifications be made as soon as possible to ensure the continuous operation of State Government; 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,

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

**COMMITTEE AMENDMENT**

PART OO

2           **Sec. OO-1. 22 MRSA §1511, sub-§9** is enacted to read:

4           9. Working capital advance. Beginning July 1, 2003, the  
6 State Controller is authorized to provide an annual advance up to  
8 \$37,500,000 from the General Fund to the fund to provide money  
10 for allocations from the fund. This money must be returned to  
12 the General Fund as the first priority from the amounts credited  
14 to the fund pursuant to subsection 2, paragraph A.

16           **Sec. OO-2. PL 2001, c. 358, Pt. Y, §1** is repealed.

PART PP

18           **Sec. PP-1. 21-A MRSA §1020-A, sub-§§4-A and 5-A** are enacted to  
20 read:

22           4-A. Basis for penalties. The penalty for late filing of a  
24 report required under this subchapter, except for accelerated  
26 campaign finance reports required pursuant to section 1017,  
28 subsection 3-B, is a percentage of the total contributions or  
30 expenditures for the filing period, whichever is greater,  
32 multiplied by the number of calendar days late, as follows:

34           A. For the first violation, 1%;

36           B. For the 2nd violation, 3%; and

38           C. For the 3rd and subsequent violations, 5%.

40           Any penalty of less than \$5 is waived.

42           Violations accumulate on reports with filing deadlines in a  
44 2-year period that begins on January 1st of each even-numbered  
46 year. Waiver of a penalty does not nullify the finding of a  
48 violation.

50           A report required to be filed under this subchapter that is sent  
by certified or registered United States mail and postmarked at  
least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by  
transmission of a facsimile copy of the duly executed report to  
the commission, as long as an original of the same report is  
received by the commission within 5 calendar days thereafter.

The penalty for late filing of an accelerated campaign finance  
report as required in section 1017, subsection 3-B may be up to

2 but no more than 3 times the amount by which the contributions  
4 received or expenditures obligated or made by the candidate  
6 exceed the applicable Maine Clean Election Fund disbursement  
8 amount, per day of violation. The commission shall make a  
10 finding of fact establishing when the report was due prior to  
12 imposing a penalty under this subsection. A penalty for failure  
14 to file an accelerated campaign finance report must be made  
16 payable to the Maine Clean Election Fund. In assessing a penalty  
18 for failure to file an accelerated campaign finance report, the  
20 commission shall consider the existence of mitigating  
22 circumstances. For the purposes of this subsection, "mitigating  
24 circumstances" has the same meaning as in subsection 2.

14 5-A. Maximum penalties. Penalties assessed under this  
16 subchapter may not exceed:

18 A. Five thousand dollars for reports required under section  
20 1017, subsection 2, paragraphs B, C, D, E or H; section  
22 1017, subsection 3-A, paragraphs B, C, D or F; section 1017,  
24 subsection 4; and section 1019;

26 B. Five thousand dollars for state party committee reports  
28 required under section 1017-A, subsection 4, paragraphs A  
30 and C and section 1018, subsection 2;

32 C. One thousand dollars for reports required under section  
34 1017, subsection 2, paragraphs A and F; section 1017,  
36 subsection 3-A, paragraphs A and E; and state party  
38 committee reports required to be filed under section 1017-A,  
40 subsection 4, paragraph B;

42 D. Five hundred dollars for municipal, district and county  
44 committees for reports required under section 1017-A,  
46 subsection 4, paragraphs A, B and C and section 1018,  
48 subsection 2; or

E. Three times the unreported amount for reports required  
under section 1017, subsection 3-B, if the unreported amount  
is less than \$5,000 and the commission finds that the  
candidate in violation has established, by a preponderance  
of the evidence, that a bona fide effort was made to file an  
accurate and timely report.

44 **Sec. PP-2. Retroactivity.** This Part applies retroactively to  
46 August 1, 2002.

48 **PART QQ**



2 administrative divisions of the legislative branch and  
executive branch agencies. This section may not affect the  
4 funds distributed to the Local Government Fund under Title  
30-A, section 5681.

6 If the commission determines that the fund will not have  
7 sufficient revenues to cover the likely demand for funds  
8 from the Maine Clean Election Fund in calendar year 2006, by  
9 January 1, 2006, the commission shall provide a report of  
10 its projections of the balances in the Maine Clean Election  
11 Fund to the Legislature and the Governor and may request  
12 that the State Controller make the following transfers to  
13 the Maine Clean Election Fund from the General Fund:

14 (1) Up to \$2,000,000 no later than February 28, 2006,  
15 reflecting an advance of the transfer of the amounts  
16 that would be received on or before January 1, 2007  
17 pursuant to this paragraph; and

18 (2) Up to \$2,000,000 no later than July 31, 2006,  
19 reflecting an advance of the transfer of the amounts  
20 that would be received on or before January 1, 2008  
21 pursuant to this paragraph;

22 **Emergency clause.** In view of the emergency cited in the  
23 preamble, this Act takes effect when approved.'

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30 **FISCAL NOTE**

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32 **APPROPRIATIONS AND ALLOCATIONS**

	2002-03
33 <b>General Fund</b>	
34 PART A, Section A-1	(\$76,413,232)
35 PART A, Section A-2	\$350,000
36 PART BB, Section BB-3	(\$47,970,000)
37 PART DD, Section DD-1	(\$16,827,500)
38 GENERAL FUND, TOTAL	<u>(\$140,860,732)</u>
39 <b>Highway Fund</b>	
40 PART A, Section A-1	(\$622,356)
41 HIGHWAY FUND, TOTAL	<u>(\$622,356)</u>
42 <b>Federal Expenditures Fund</b>	

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**2002-03**

PART B, Sections B-1, B-9, B-18 & PART II	(\$10,362,638)
PART B, Section B-13	(\$9,318)
PART B, Section B-1, B-18 & Part II	\$1,700,000
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ADJUSTMENTS TO FUND FOR A HEALTHY MAINE BALANCE, TOTAL	(\$8,671,956)

The Federal Expenditures Fund and Other Special Revenue funds allocations in Part CC, Section CC-5 are contingent on the implementation of the proposed assessment on nursing homes and residential treatment facilities.

Part DD, Section DD-1 contains General Fund deappropriations that are related to the proposed assessment on nursing homes and residential treatment facilities or the approval of a federal waiver. If either the assessment or the waiver is not implemented, the Department of Behavioral and Developmental Services and the Department of Human Services may require supplemental appropriations in FY 2002-03.

### SUMMARY

This amendment strikes the bill and substitutes the following.

#### PART A

Part A does the following:

1. Adjusts the appropriations and allocations to achieve General Fund savings; and
2. Provides appropriations to offset a portion of the curtailment financial order and to provide funds for the backlog of autopsies.

#### PART B

Part B does the following:

1. Repeals Public Law 2001, chapter 358, Part JJ, section 1, which authorized a working capital advance from the Fund for a Healthy Maine to the Maine Rx Dedicated Fund in the Department of Human Services;

COMMITTEE AMENDMENT "A" to H.P. 1746, L.D. 2220

2 Part NN establishes a one-time assessment on hospitals in  
fiscal year 2002-03.

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**PART OO**

6 Part OO increases the amount of the General Fund working  
capital advance from \$25,500,000 to \$37,500,000, which will  
8 support allocations from the Fund for a Healthy Maine since,  
beginning in fiscal year 2003-04, the tobacco settlement payments  
10 will occur just once a year in April.

12

**PART PP**

14 Part PP reinstates the penalty provisions that were in  
effect prior to enactment of Public Law 2001, chapter 470, but  
16 gives the Commission on Governmental Ethics and Election  
Practices discretion to set penalties up to a maximum amount.

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**PART QQ**

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22 Part QQ authorizes the Finance Authority of Maine to provide  
loans in 2003 to businesses that demonstrate a substantial  
hardship as a result of the change in timing of the application  
24 for and receipt of reimbursement under the personal property tax  
reform program, the Business Equipment Tax Reimbursement, or  
26 BETR, program.

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**PART RR**

30 Part RR allows the Commission on Governmental Ethics and  
Election Practices to request an advance of revenues to the Maine  
32 Clean Election Fund in the event of a projected shortfall of  
funds needed for the election in 2006.

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