

An Act Making Unified Supplemental 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 Year Ending June 30, 2023

Emergency preamble. Whereas, acts and resolves of the Legislature do not 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

Whereas, certain obligations and expenses incident to the operation of state 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,

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

PART A

Sec. A-1. Appropriations and allocations. In order to provide for the necessary expenditures of State Government and other purposes for the fiscal year ending June 30, 2023, the following sums as designated in the following tabulations are appropriated or allocated out of money not otherwise appropriated or allocated.

PART B

Sec. B-1. Appropriations and allocations. The following appropriations and allocations are made to provide funding for approved reclassifications and range changes.

PART C

Sec. C-1. State Fiscal Recovery Funds encumbered balances. Notwithstanding any provision of law to the contrary, encumbered balances within the Federal Expenditures Fund – ARP State Fiscal Recovery may be carried forward through fiscal year 2025-26.

Sec. C-2. Continuation of limited-period positions. Notwithstanding any provision of law to the contrary, limited-period positions funded with Federal Expenditures Fund – State Fiscal Recovery authorized in Public Law 2021, chapter 483, An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds may be extended beyond two-years by financial order but not later than June 30, 2025.

Sec. C-3. Department of Agriculture, Conservation and Forestry, Parks General Operations program. Notwithstanding any provision of law to the contrary, the funds allocated in Public Law 2021, chapter 483, Part T for the Parks General Operations program, Federal Expenditures Fund – ARP State Fiscal Recovery account may be used for the Allagash Wilderness Waterway.

Sec. C-4. Available Balances. The following initiatives in Public Law 2021, Chapter 483 were not implemented:

- Part KK – Department of Agriculture, Conservation and Forestry, Bureau of Agriculture, contracted facilitation services, total allocation \$72,400
- Part R – Department of Transportation, Multimodal Transportation Fund, construction of a confined aquatic disposal cell within the Port of Portland and maintenance dredging of the marine facilities of Portland and South Portland, total allocation \$10,000,000
- Part DD – Department of Health and Human Services, Medical Care Payments to Providers account, a pilot program for the reimbursement of a parent providing in-home personal care services, total allocation of \$465,000
- Part EE - Department of Health and Human Services, Medical Care Payments to Providers account, provide equal monthly supplemental payments from January 2022 through December 2022 to all providers of services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 2, Section 17, Section 26, Section 28 and Section 65 in equal proportion to the services provided by providers in the previous 12-month period, total allocation of \$5,958,014

Sec. C-5. Extension of The Small Business Health Insurance Premium Support Program. The Small Business Health Insurance Premium Support Program, “the program,” as established by PL 2021, c. 483, shall remain in operation until December 31, 2023, or until such time as the original and additional funds allocated to the program shall be used, whichever occurs first. In the event that the credit amounts established through rulemaking cannot be provided in full for each qualifying small group plan during a month prior to December 2023, the program shall end on the latest month for which full credits can be provided.

Sec. C-6. Transfer of Federal Expenditures Fund – ARP State Fiscal Recovery balance; Insurance – Bureau of account to Health Care Provider Loan Repayment Fund account. Notwithstanding any provision of law to the contrary, on or before January 31, 2024, the State Controller may transfer the available balance within the Department of Financial and Professional Services, Insurance – Bureau of, Federal Expenditures Fund – ARP State Fiscal Recovery account to the Finance Authority of Maine, Health Care Provider Loan Repayment Fund, Health Care Provider Loan Repayment Fund account. Transferred amounts may be allotted by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

Sec. C-7. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Insurance – Bureau of 0092

Initiative: Provides one-time funding for a temporary premium relief program for small businesses that provide their employees with group health insurance.

FEDERAL EXPENDITURES FUND – ARP STATE FISCAL RECOVERY	2022-23
All Other	<u>\$16,495,414</u>
FEDERAL EXPENDITURES FUND – ARP STATE FISCAL RECOVERY TOTAL	\$16,495,414

**PART C
SUMMARY**

This Part recognizes initiatives that were not implemented and did not utilize the ARP State Fiscal Recovery Funds authorized in Public Law 2021, chapter 483 and allocates those balances to continue the temporary premium relief program and extends the program through December 2023. This Part also authorizes the transfer of unspent funds within the Bureau of Insurance to the Finance Authority of Maine, Health Care Provider Loan Repayment Fund. This Part also authorizes limited-period positions funded with Federal Expenditures Fund – ARP State Fiscal Recovery to be extended via financial order and authorizes the encumbered balances within the Federal Expenditures Fund – ARP State Fiscal Recovery to be carried forward through fiscal year 2025-26 to align with the period of performance authorized by the Federal Government. Lastly, this Part clarifies that funds approved in Public Law 2021, chapter 483 for state parks may be used for the Allagash Wilderness Waterway.

PART D

Sec. D-1. PL 2021, c. 398, Part M is amended to read:

Sec. M-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing agreements in fiscal years 2021-22 and 2022-23 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into ~~in each fiscal year~~ may not exceed \$7,500,000 in fiscal year 2021-22 and \$15,000,000 in fiscal year 2022-23 in principal costs, and a financing agreement may not exceed 6 years in duration. The interest rate may not exceed 7%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

**PART D
SUMMARY**

This Part increases the borrowing authority of the Department of Administrative and Financial Services to enter into financing arrangements in fiscal year 2022-23 for the acquisition of motor vehicles for the Central Fleet Management Division and adjusts the interest rate. The Division was unable to fully utilize the borrowing authority in fiscal year 2021-22 due to automobile supply issues.

PART E

Sec. E-1. PL 2023, c. 1, Part B, §8 is enacted to read:

Sec. B-8. Application to municipal general assistance program. For purposes of the municipal general assistance program established pursuant to the Maine Revised Statutes Title 22, chapter 1161, relief payments are not income as defined in Title 22, section 4301, subsection 7, may not be considered to reduce need, as defined in Title 22, section 4301, subsection 10, and may not be considered a potential resource as defined in Title 22, section 4317.

**PART E
SUMMARY**

This Part clarifies that the Winter Energy Relief Payment authorized in Public Law 2023, chapter 1 will not be included as income or a resource when determining an application for the municipal general assistance program.

PART F

Sec. F-1. Continuation of limited-period positions. Notwithstanding any provision of law to the contrary, all limited-period positions throughout State Government that are scheduled to expire during June 2023, are already funded through the end of fiscal year 2022-23 and are proposed to continue in the 2024-2025 biennium, are continued until August 1, 2023.

**PART F
SUMMARY**

This Part authorizes an extension of the expiration date to August 1, 2023 for limited-period positions that are set to expire in June 2023 but are funded through fiscal year 2022-23 and are proposed to continue into the next biennium.

PART G

Sec. G-1. Payments to State from Maine Governmental Facilities Authority operating account. Notwithstanding any provision of law to the contrary, the Maine Governmental Facilities Authority shall transfer \$149,955 from the balance in the authority's operating account to the State as undedicated revenue no later than June 30, 2023.

PART G SUMMARY

This Part directs the Maine Governmental Facilities Authority to transfer \$149,955 from the balance in the authority's operating account to the State as undedicated revenue no later than June 30, 2023. This balance is a result of the overpayment of debt service on closed bond issuances.

PART H

Sec. H-1. Carry provision; Department of Administrative and Financial Services. Notwithstanding any other provision of law to the contrary, at the end of fiscal year 2022-23, the State Controller shall carry forward to fiscal year 2023-24 any unexpended balance remaining in the Information Services, General Fund account.

PART H SUMMARY

This Part authorizes the State Controller to carry forward to fiscal year 2023-24 any unexpended balance appropriated in in the Information Services, General Fund account, All Other line category in fiscal year 2022-23 to be expended for the same purposes.

PART I

Sec. I-1. Transfer of Personal Services balances to All Other; Department of Administrative and Financial Services. Notwithstanding any provision of law to the contrary, for fiscal year 2022-23 only, the Department of Administrative and Financial Services is authorized to transfer available balances of Personal Services allocations in the Information Services program, General Fund account after all salary, benefit and other obligations are met to the All Other line category of the Information Services program, General Fund account for the purposes of funding statewide cybersecurity costs. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART I
SUMMARY**

This Part authorizes the Department of Administrative and Financial Services to transfer by financial order available Personal Services balances in the Information Services program, General Fund account for fiscal year 2022-23 only, in order to fund statewide cybersecurity costs.

PART J

Sec. J-1. Transfer from General Fund unappropriated surplus. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$6,600,000 from the unappropriated surplus of the General Fund to the Retirement Allowance Fund within the Maine Public Employees Retirement System for the purpose of providing the resources to fund an additional one-time cost-of-living increase of 1.0% of the established 2022 maximum benefit subject to an increase for retirees from the state-sponsored retirement plans. The additional 1.0% applies to retirement benefit payments, up to a maximum of \$24,186.25, for the one-year period ending August 31, 2022. This additional increase applies to retirees who were eligible for a cost-of-living adjustment in September 2022. The additional increase made pursuant to this section is a one-time payment and is not included in the calculation of future benefit adjustments.

**PART J
SUMMARY**

This Part authorizes the State Controller to transfer up to \$6,600,000 from unappropriated surplus of the General Fund to the Retirement Allowance Fund within the Maine Public Employees Retirement System and directs to Board to issue a one-time 1.0% retirement benefit payment.

PART K

Sec. K-1. 7 MRSA §3906-B, sub-§2 is amended to read:

2. Animal Welfare Fund. The commissioner shall deposit all license fees received pursuant to chapters 721, 723, 725 and 735 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. The commissioner shall deposit 80% of the feed registration fees collected under section 714, subsection 1 ~~and all revenue in excess of \$100,000 from the surcharge collected under section 714, subsection 4~~ in the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing license blanks, stickers and tags, travel expenses and salaries for necessary personnel, payments to animal shelters and expenses incurred in the administration of this Part.

**PART K
SUMMARY**

This Part resolves a conflict with Title 7 section 714, subsection 4, which directs the department to put everything in excess of \$157,000 in the Companion Animal Sterilization Fund.

PART L

Sec. L-1. Carry provision; Department of Economic and Community Development. Notwithstanding any other provision of law to the contrary, at the end of fiscal years 2022-23 and 2023-24, the State Controller shall carry forward into the next fiscal year any unexpended balance remaining of the \$2,756,126 appropriated in Public Law 2021, chapter 635 in the All Other line category in the Housing Opportunity Program, General Fund account for the purpose of supporting and encouraging the development of additional housing units in the State.

**PART L
SUMMARY**

This Part authorizes the State Controller to carry forward to fiscal year 2023-24 and fiscal year 2024-25 any unexpended balance of the \$2,756,126 appropriated in in the Housing Opportunity Program, General Fund account, All Other line category in fiscal year 2022-23 to be expended for the same purposes.

PART M

Sec. M-1. Department of Health and Human Services, Medical Care Services – Payments to Providers account; lapsed balances. Notwithstanding any provision of law to the contrary, \$10,777,679 of unencumbered balance forward from the Department of Health and Human Services, Medical Care Services – Payments to Providers program, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2023.

**PART M
SUMMARY**

This Part lapses \$10,777,679 of the unencumbered balance forward in the Department of Health and Human Services, Medical Care Services – Payments to Providers program, General Fund account to the General Fund in fiscal year 2022-23.

PART N

Sec. N-1. Department of Health and Human Services, Nursing Facilities account; lapsed balances. Notwithstanding any provision of law to the contrary, \$6,161,154 of unencumbered balance forward from the Department of Health and Human Services, Nursing Facilities program,

General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2023.

**PART N
SUMMARY**

This Part lapses \$6,161,154 of the unencumbered balance forward of the Department of Health and Human Services, Nursing Facilities, General Fund account to the General Fund in fiscal year 2022-23.

PART O

Sec. O-1. Carry provision; Department of Secretary of State, Bureau of Administrative Services and Corporations program. Notwithstanding any other provision of law to the contrary, at the end of fiscal year 2022-23 and fiscal year 2023-24, the State Controller shall carry forward any unexpended balance remaining of the \$259,000 appropriated in Public Law 2021, chapter 439, section 14 in the Department of Secretary of State, Bureau of Administrative Services and Corporations program, General Fund account, All Other line category to the next fiscal year to be used for contracted programming costs to implement online voter registration.

**PART O
SUMMARY**

This Part authorizes the State Controller to carry forward up to \$259,000 of unexpended balance in the All Other line category in the Department of the Secretary of State, Bureau of Administrative Services and Corporations program, at the end of fiscal years 2022-23 and 2023-24 to the All Other line category for the next fiscal year in the Department of Secretary of State, Bureau of Administrative Services and Corporations program to be used for contracted programming costs to implement online voter registration.

PART P

Sec. P-1. Carry provision; Debt Service – Treasury. Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining balances in the Debt Service – Treasury program in the Department of Treasury in fiscal year 2022-23 into fiscal year 2023-24.

**PART P
SUMMARY**

This Part gives authority for the Debt Service – Treasury program to carry their funds from fiscal year 2022-23 to 2023-24.