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Date: (Filing No. H- )

**TAXATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 752, L.D. 1016, Bill, “An Act To Restore the Health Care Provider Tax for Nursing Homes to 6 Percent”

Amend the bill by striking out the title and substituting the following:

**'An Act To Restore the Health Care Provider Tax to 6 Percent'**

Amend the bill by inserting after the enacting clause and before section 1 the following:

**'Sec. 1. 36 MRSA §2872, sub-§1, ¶C**, as amended by PL 2007, c. 539, Pt. X, §1, is further amended to read:

C. For whole or partial facility fiscal years beginning on or after July 1, 2003 and before January 1, 2008, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year; ~~and~~

**Sec. 2. 36 MRSA §2872, sub-§1, ¶D**, as enacted by PL 2007, c. 539, Pt. X, §1, is amended to read:

D. ~~Beginning~~ For whole or partial facility fiscal years beginning on or after January 1, 2008 for any partial facility fiscal year and for whole facility fiscal years beginning on or after January 1, 2008 and before October 1, 2011, the tax imposed against each residential treatment facility is equal to 5.5% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year; ~~and~~

**Sec. 3. 36 MRSA §2872, sub-§1, ¶E** is enacted to read:

E. Beginning October 1, 2011 for any partial facility fiscal year and for whole facility fiscal years beginning on or after October 1, 2011, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year.'

Amend the bill by striking out all of section 4 and inserting the following:

**COMMITTEE AMENDMENT**

1       **Sec. 4. 36 MRSA §2873, sub-§4**, as enacted by PL 2001, c. 714, Pt. CC, §3 and  
2 affected by §8 and amended by PL 2003, c. 689, Pt. B, §§6 and 7, is further amended to  
3 read:

4       **4. Application of revenues.** Revenues derived by the tax imposed by this chapter  
5 must be credited to a General Fund suspense account. On the last day of each month, the  
6 State Controller shall make the following transfers:

7       A. All revenues received by the assessor during the month pursuant to this chapter  
8 from nursing homes net of refunds must be credited to the Nursing Facilities Other  
9 Special Revenue funds account in the Department of Health and Human Services.  
10 ~~The Commissioner of Health and Human Services is authorized to make revenue~~  
11 ~~transfers from the Nursing Facilities Other Special Revenue funds account to the~~  
12 ~~Medical Care—Payments to Providers Other Special Revenue funds account and the~~  
13 ~~Long Term Care—Human Services Other Special Revenue funds account in amounts~~  
14 ~~not to exceed legislative allocations in any fiscal year~~ Beginning October 1, 2011, the  
15 revenues received in each fiscal year that result from the increase in the tax rate from  
16 5.5% to 6% pursuant to section 2872, subsection 1, paragraph E must be applied first  
17 to reimburse nursing homes for the MaineCare portion of the increased tax expense,  
18 and all remaining revenue resulting from the increase must be applied to provide  
19 cost-of-living increases to MaineCare reimbursement to nursing homes and to  
20 medical and remedial private nonmedical institutions that are reimbursed room and  
21 board costs and certain other allowable costs under rules adopted by the Department  
22 of Health and Human Services. These rules must use a methodology that provides a  
23 cost-of-living increase that ensures that such nursing facilities and medical and  
24 remedial private nonmedical institutions receive a share of the revenues through  
25 MaineCare reimbursement of allowable costs; and

26       B. All revenues received by the assessor during the month pursuant to this chapter  
27 from residential treatment facilities net of refunds must be credited to the Residential  
28 Treatment Facilities Assessment Other Special Revenue funds account in the  
29 Department of Health and Human Services. Beginning October 1, 2011, a percentage  
30 equal to the State's annual Federal Medical Assistance percentage of the revenues  
31 generated by the increase in the tax rate from 5.5% to 6% received by the assessor  
32 during the month must be credited to an Other Special Revenue Funds account in the  
33 Department of Health and Human Services, Developmental Services Waiver -  
34 Supports program and all revenues credited to that account must be applied to  
35 providing services to individuals on the waiting list for the community support  
36 benefit provided under a federal 1915(c) waiver under the MaineCare Benefits  
37 Manual, Chapter II, Section 29. The balance must be credited to an Other Special  
38 Revenue Funds account in the Department of Health and Human Services, Medicaid  
39 Services - Developmental Services program.

40 Notwithstanding the provisions of Public Law 2007, chapter 240, Part X, section 2,  
41 Public Law 2009, chapter 213, Part SSSS, section 1 or any other provision of law, any  
42 available balances in the accounts under this subsection may not be transferred between  
43 accounts by financial order or otherwise.

44       **Sec. 5. Appropriations and allocations.** The following appropriations and  
45 allocations are made.

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

2 **Developmental Services Waiver - Supports Z006**

3 Initiative: Allocates funds from the increase in the residential treatment facilities  
4 assessment to be used for services to individuals on the waiting list for the waiver.

5	<b>FEDERAL EXPENDITURES FUND</b>	<b>2011-12</b>	<b>2012-13</b>
6	All Other	\$139,230	\$184,225
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$139,230</u>	<u>\$184,225</u>

9	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
10	All Other	\$80,376	\$106,948
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$80,376</u>	<u>\$106,948</u>

13 **Medicaid Services - Developmental Services 0705**

14 Initiative: Allocates funds for increased costs resulting from the increase in the residential  
15 treatment facilities assessment.

16	<b>FEDERAL EXPENDITURES FUND</b>	<b>2011-12</b>	<b>2012-13</b>
17	All Other	\$80,376	\$106,948
18			
19	FEDERAL EXPENDITURES FUND TOTAL	<u>\$80,376</u>	<u>\$106,948</u>

20	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
21	All Other	\$46,400	\$62,086
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$46,400</u>	<u>\$62,086</u>

24 **Nursing Facilities 0148**

25 Initiative: Allocates funds for increased nursing facility costs resulting from the increase  
26 in the nursing facility tax.

27	<b>FEDERAL EXPENDITURES FUND</b>	<b>2011-12</b>	<b>2012-13</b>
28	All Other	\$1,400,717	\$1,863,793
29			
30	FEDERAL EXPENDITURES FUND TOTAL	<u>\$1,400,717</u>	<u>\$1,863,793</u>



COMMITTEE AMENDMENT “ ” to H.P. 752, L.D. 1016

1 to individuals on the waiting list for the community support benefit waiver under the  
2 MaineCare Benefits Manual, Chapter II, Section 29. The amendment also adds an  
3 appropriations and allocations section.

4

**FISCAL NOTE REQUIRED**

5

**(See attached)**