

**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, 2019**

**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, 2019, 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. 22 MRSA §3174-SS** as enacted by PL 2011, c. 477, Pt. I, §1, is repealed.

**PART B  
SUMMARY**

This Part repeals the limited lifetime maximum coverage and reimbursement of 24 months under the MaineCare program for buprenorphine and naloxone combination drugs for the treatment of addiction.

**PART C**

**Sec. C-1. 22 MRSA §3174-VV** as amended by PL 2017, c. 407, Pt. A, §78, is repealed.

**PART C  
SUMMARY**

This Part repeals the limited lifetime maximum reimbursement of 24 months under the MaineCare program for methadone for the treatment of addiction.

**PART D**

**Sec. D-1. 34-A MRSA, c. 3, sub-c. 6** is repealed.

**Sec. D-2. 34-A MRSA, c. 3, sub-c. 10** is enacted to read:

**SUBCHAPTER 10**

**WASHINGTON COUNTY PRERELEASE CENTER**

**§ 4301. Establishment**

There is established the Washington County Prerelease Center, referred to in this subchapter as the "center," located in Washington County as a minimum security unit of the Mountain View Correctional Facility.

**§4302. Purposes**

The purposes of the center include vocational training and rehabilitative programs, including work release and work involving public restitution.

**§4303. Superintendent**

**1. Chief administrative officer.** The chief administrative officer of the center is the superintendent of the Mountain View Correctional Facility and is responsible to the commissioner.

**2. Duties.** In addition to other duties set out in this Title, the superintendent has the following duties.

**A.** The superintendent shall exercise proper supervision over the employees, grounds, buildings and equipment at the center.

**B.** The superintendent shall supervise and control the prisoners at the center in accordance with departmental rules.

**§ 4304. Prisoners generally**

**1. Confinement of prisoners transferred to center.** 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.

2. Work Release. The superintendent shall work collaboratively with private employers as necessary to ensure the provision of suitable work release opportunities for prisoners of the center.

3. Employment. The commissioner may authorize the employment of prisoners of 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.

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.

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner.

C. The prisoners employed under this subsection may not be compensated monetarily for work performed.

D. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed.

4. Escape. Any 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.

#### **§ 4305. Employees of the center**

Employees of the center have the same power as do deputy sheriffs in their respective counties to search for and apprehend escapees from the center when authorized to do so by the superintendent.

**Sec. D-3. Authority for property purchase for Washington County Prerelease Center.** The Commissioner of Corrections may purchase a parcel of land and buildings in Washington County for the Washington County Prerelease Center, by warranty deed with or without covenants to be conveyed to State of Maine, Department of Corrections and recorded in the Washington County Registry of Deeds. The commissioner may purchase the property and negotiate any sales, solicit bids, or directly enter a purchase and sale agreement. Any purchase of property pursuant to this section must be approved by the Director of the Bureau of General

Services within the Department of Administrative and Financial Services.

**PART D**  
**SUMMARY**

This Part would abolish the former Downeast Correctional Facility and establish a Department of Corrections prerelease center in Washington County.

## PART E

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

**5. Cost recovery fund.** There is established within the commission a nonlapsing cost recovery fund, referred to in this section as "the fund." The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund in accordance with subsection 8. The commission shall use the fund to pay all above-market costs of any contract entered into under this section. No more than 50% of the fund may be awarded to facilities serving the NMISA region. At the close of fiscal year ~~2016-17~~2018-19, ~~amounts remaining~~ \$5,461,387.64 in the cost recovery fund that the commission has 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 Revised Statutes, Title 5, section 1532~~ General Fund unappropriated surplus in fiscal year 2018-19. The commission by rule or order shall establish how above-market costs are determined and how payments from the fund are made.

## PART E SUMMARY

This Part transfers the remaining funds in the cost recovery fund, to the unappropriated surplus of the General Fund in fiscal year 2018-19.

## **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 Supplemental Nutrition Assistance Program overpayments in the Federal Expenditures Fund, Food Supplement Administration program to the Other Special Revenue Funds, Food Supplement Administration program.

## **PART F SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer any remaining balance specifically related to Supplemental Nutrition Assistance Program overpayments in the Federal Expenditures Fund, Food Supplement Administration account to the Other Special Revenue Funds, Food Supplement Administration account.

## **PART G**

**Sec. G-1. Office of the Public Advocate; special assessment on telecommunications entities.** Notwithstanding any other provision of law, in fiscal year 2018-19, every telecommunications entity subject to an assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8 is subject to an additional assessment on its intrastate gross operating revenues sufficient to produce \$353,000 total. The revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund. All Other in the amount of \$353,000 may only be used for the costs associated with representing Maine telecommunications ratepayers and Maine's public interests for the anticipated Emera Maine rate case and bifurcated Central Maine Power billing/metering and rate case for retention of expert witnesses and related costs.

## **PART G SUMMARY**

This Part authorizes the Office of the Public Advocate to assess additional revenue in order to fund the costs of representing ratepayers in rate cases.