

An Act Making Unified 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 Years Ending June 30, 2019, June 30, 2020 and June 30, 2021

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 years ending June 30, 2020 and June 30, 2021, 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. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2017, c. 284, Pt C, §19 is further amended to read:

The annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services are as follows.

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09, the target is 52.52%.
- (5) For fiscal year 2009-10, the target is 48.93%.
- (6) For fiscal year 2010-11, the target is 45.84%.
- (7) For fiscal year 2011-12, the target is 46.02%.
- (8) For fiscal year 2012-13, the target is 45.87%.
- (9) For fiscal year 2013-14, the target is 47.29%.
- (10) For fiscal year 2014-15, the target is 46.80%.
- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is 48.14%.
- (13) For fiscal year 2017-18, the target is 49.14%.
- (14) For fiscal year 2018-19, the target is ~~50.14%~~ 49.58%.
- (15) For fiscal year 2019-20, the target is 50.71%.

Sec. C-2. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2017, c. 284, Pt C, §20 is further amended to read:

Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components of essential programs and services plus the state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance are as follows.

- (1) For fiscal year 2011-12, the target is 49.47%.
- (2) For fiscal year 2012-13, the target is 49.35%.
- (3) For fiscal year 2013-14, the target is 50.44%.
- (4) For fiscal year 2014-15, the target is 50.13%.
- (5) For fiscal year 2015-16, the target is 50.08%.
- (6) For fiscal year 2016-17, the target is 50.82%.
- (7) For fiscal year 2017-18, the target is 52.02%.

(8) For fiscal year 2018-19, the target is ~~53.02%~~53.37%.

(9) For fiscal year 2019-2020, the target is 55%.

Sec. C-3. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2017, c. 446, §1 is further amended to read:

~~For property tax years beginning on or after April 1, 2005, †The commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valuation. The full-value education mill rate must decline over the period from fiscal year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation. Full-value education mill rates must be derived according to the following schedule.~~

(1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.

(2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.

(3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.

(4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.

(4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.

(4-B) For the 2010 property tax year, the full-value education mill rate is the amount necessary to result in a 54.16% statewide total local share in fiscal year 2010-11.

(4-C) For the 2011 property tax year, the full-value education mill rate is the amount necessary to result in a 53.98% statewide total local share in fiscal year 2011-12.

(5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a 54.13% statewide total local share in fiscal year 2012-13.

(6) For the 2013 property tax year, the full-value education mill rate is the amount necessary to result in a 52.71% statewide total local share in fiscal year 2013-14.

(7) For the 2014 property tax year, the full-value education mill rate is the amount necessary to result in a 53.20% statewide total local share in fiscal year 2014-15.

(8) For the 2015 property tax year, the full-value education mill rate is the amount necessary to result in a 52.46% statewide total local share in fiscal year 2015-16.

(9) For the 2016 property tax year, the full-value education mill rate is the amount necessary to result in a 51.86% statewide total local share in fiscal year 2016-17.

(10) For the 2017 property tax year, the full-value education mill rate is the amount necessary to result in a 50.86% statewide total local share in fiscal year 2017-18.

(11) For the 2018 property tax year, the full-value education mill rate is the amount necessary to result in a ~~50.50%~~ 50.42% statewide total local share in fiscal year 2018-19.

(12) For the 2019 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45%~~ 49.29% statewide total local share in fiscal year 2019-20.

(13) For the 2020 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal 2021-2022 and after.

Sec. C-4. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2019-20 is 8.28.

Sec. C-5. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2019-20 is as follows:

	2019-20
	TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,470,593,063
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$527,455,487
Total Operating Allocation and Subsidizable Costs	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,998,048,550

Total Debt Service Allocation

Total debt service allocation pursuant to Title 20-A, section 15683-A \$103,301,489

Total Adjustments pursuant to Title 20-A, section 15689

Audit adjustments pursuant to Title 20-A, section 15689, subsection 4 \$250,000

Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5 \$420,065

Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9 \$5,160,020

Bus refurbishing program adjustments pursuant to Title 20-A, section 15689, subsection 13 0.00

Maine Care seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14 \$1,210,887

Special education budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 15 \$1,000,000

Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689 \$8,040,972

Targeted Education Funds pursuant to Title 20-A, section 15689-A

Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1 \$33,737,998

Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3 \$300,000

Education research institute contract pursuant to Title 20-A, section 15689-A, subsection 6 \$250,000

Emergency bus loan pursuant to Title 20-A, section 15689-A, subsection 9 \$0

Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10 \$7,974,245

Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$4,000,000
National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$307,551
Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$12,114,960
Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,545,379
Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347
Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$7,769,215
Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$410,111
Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$385,779
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000
Community school pilots (3 pilot projects for 5 years) pursuant to Title 20-A, section 15689-A, subsection 25	\$50,000
Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$109,206
Total targeted education funds pursuant to Title 20-A, section 15689-A	\$75,569,791

Enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D

Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1	\$51,625,005
Career and technical education middle school costs pursuant to Title 20-A, section 15672, subsection 1-D	\$500,000
College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000

National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000
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Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D	\$54,575,005
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Total Cost of Funding Public Education from Kindergarten to Grade 12

Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, not including normal retirement costs	\$2,239,535,807
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Total normal cost of teacher retirement	\$49,342,711
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Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, including normal retirement costs	\$2,288,878,518
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Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$224,008,451
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Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423	\$2,512,886,969
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Sec. C-6. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2019 and ending June 30, 2020 is calculated as follows:

	2019-20	2019-20
	LOCAL	STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		

Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law	\$1,128,145,201	\$1,160,733,317
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State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement		\$224,008,451
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State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance pursuant to Title 5, chapters 421 and 423		\$1,384,741,768
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Sec. C-7. Authorization of payments. If the State's continued obligation for any individual component contained in those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Act may not lapse but must be carried forward for the same purpose.

Sec. C-8. Limit of State's obligation. Those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

PART C SUMMARY

This Part establishes the Total Cost of Education from Kindergarten to Grade 12 for fiscal year 2019-20, the state contribution and the annual target state share percentage.

PART D

Sec. D-1. 2 MRSA §6, sub-§3, as amended by PL 2013, c. 405, Pt. A, §1, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

Director, Bureau of General Services;

Director, Bureau of Alcoholic Beverages and Lottery Operations;

State Budget Officer;

State Controller;

Director, Bureau of Forestry;

Director, Governor's Office of Policy Innovation and Management the Future;

Director, Energy Resources Office;

Director of Human Resources;

Director, Bureau of Parks and Lands;

Director of the Governor's Office of Communications;

Director, Bureau of Agriculture, Food and Rural Resources; and

Director, Bureau of Resource Information and Land Use Planning.

Sec. D-2. 5 MRSA §1531, sub-§2, as amended by PL 2015, c. 267, Pt. L, §3, is further amended to read:

2. Average personal income growth. "Average personal income growth" means the average for the prior 10 calendar years, ending with the most recent calendar year for which data is available, of the percent change in personal income in this State, as estimated by the United States Department of Commerce, Bureau of Economic Analysis. The average personal income growth is determined by October 1st, annually, by the Governor's Office of Policy Innovation and Management the Future.

Sec. D-3. 5 MRSA §1591, sub-§5, as enacted by PL 2011, c. 655, Pt. Q, §1, is amended to read:

5. Executive Department. The Executive Department shall carry forward any General Fund balances remaining in the Administration - Executive - Governor's Office program, the Blaine House program, the Governor's Office of Communications program, the Office of Policy

Innovation and Management the Future program and the Governor's Energy Office program at the end of any fiscal year for use in the next fiscal year.

Sec. D-4. 5 MRSA §1710-D, as amended by PL 2011, c. 655, Pt. DD, §3, is further amended to read:

The commission may receive staff support from the Governor's Office of Policy Innovation and Management the Future.

Sec. D-5. 5 MRSA §1710-I, as amended by PL 2011, c. 655, Pt. DD, §4, is further amended to read:

The committee may receive staff assistance from the Bureau of the Budget, the Governor's Office of Policy Innovation and Management the Future, the Bureau of Revenue Services and, at the discretion of the Legislature, the Office of Fiscal and Program Review. The committee may also utilize other professionals having revenue forecasting, economic and fiscal expertise.

Sec. D-6. 5 MRSA §3101, as enacted by PL 2011, c. 655, Pt. DD, §5, is amended to read:

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Director. "Director" means the Director of the Governor's Office of Policy Innovation and Management the Future established by section 3102.

2. Office. "Office" means the Governor's Office of Policy Innovation and Management the Future established by section 3102.

Sec. D-7. 5 MRSA §3102, as amended by PL 2017, c. 284, Pt. GG §4, is further amended to read:

The Governor's Office of Policy Innovation and Management the Future is established in the Executive Department to facilitate achievement of long-term state goals and objectives and identification and implementation of opportunities to improve the efficiency and effectiveness of the performance of the functions of and delivery of services by State Government.

Sec. D-8. 5 MRSA §3103, as enacted by PL 2011, c. 655, Pt. DD, §5 is amended to read:

The Director of the Governor's Office of Policy Innovation and Management the Future is appointed by the Governor and serves at the pleasure of the Governor.

Sec. D-9. 5 MRSA §13056, sub-§3, as amended by PL 2011, c. 655, Pt. DD, §6, is further amended to read:

3. Conduct planning and research. Conduct planning, research and analysis for department needs, but not macroeconomic forecasting, which is the responsibility of the Governor's Office of Policy Innovation and Management-the Future. The department shall gather, maintain and have access to all economic and other information necessary to the performance of its duties;

Sec. D-10. 5 MRSA §15302, sub-§3, ¶C, as amended by PL 2011, c. 655, Pt. EE, §11, is further amended to read:

C. The Director of the Governor's Office of Policy Innovation and Management-the Future or the director's designee is an ex officio nonvoting director.

Sec. D-11. 10 MRSA §363, sub-§2-A, as amended by PL 2011, c. 655, Pt. DD, §8, is further amended to read:

2-A. Recommendation of Governor and issuers. At any time action of the Legislature under subsection 1-A is necessary or desirable, the Governor shall recommend to the appropriate committee of the Legislature a proposed allocation or reallocation of all or part of the state ceiling. To assist the Governor in making a recommendation of proposed allocations of the state ceiling on private activity bonds, the group of 7 representatives described in subsection 1-A shall make a recommendation regarding allocation or reallocation of the state ceiling. In order to assist the group in making its recommendation and to assist the Governor and the Legislature, the Department of Administrative and Financial Services, in consultation with the Governor's Office of Policy Innovation and Management-the Future, shall prepare an annual analysis of the State's economic outlook, prevailing interest rate forecasts related to tax-exempt financing by the issuers specifically identified in subsections 4 to 8, the availability to those issuers of alternative financing from sources that do not require an allocation of the state ceiling and the relationship of these factors and various public policy considerations to the allocation or reallocation of the state ceiling. In recommending any allocation or reallocation of the state ceiling to the Legislature, the Governor shall consider the requests and recommendations of those issuers of bonds within the State designated in this section, the recommendations of the group of representatives described in subsection 1-A and the annual analysis of the Department of Administrative and Financial Services.

Sec. D-12. 12 MRSA §8876, sub-§2, as amended by PL 2011, c. 655, Pt. DD, §9, is further amended to read:

2. Future demand. Project future demand for forest resources based on a common economic forecast developed by the Governor's Office of Policy Innovation and Management-the Future and on other appropriate economic projections;

Sec. D-13. 26 MRSA §3, sub-§3, ¶B, as enacted by PL 2015, c. 250, Pt. C, §2, is amended to read:

B. Information and records pertaining to the workforce, employment patterns, wage rates, poverty and low-income patterns, economically distressed communities and regions and other similar information and data to the Department of Economic and Community Development and to the Governor's Office of Policy Innovation and Management—the Future for the purposes of analysis and evaluation, measuring and monitoring poverty and economic and social conditions throughout the State, and promoting economic development.

Sec. D-14. 30-A MRSA, §5903, sub-§6-A, as amended by PL 2011, c. 655, Pt. DD, §13, is further amended to read:

6-A. Median household income. "Median household income" means the income computed based on the most current census information available, as provided by the Governor's Office of Policy Innovation and Management—the Future

Sec. D-15. 35-A MRSA §3454, first ¶, as repealed and replaced by PL 2013, c. 424, Pt. A, §21, is amended to read:

In making findings pursuant to Title 38, section 484, subsection 3, the primary siting authority shall presume that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional findings regarding other tangible benefits provided by the development. The Department of Labor, the Governor's Office of Policy Innovation and Management—the Future, the Governor's Energy Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

Sec. D-16. 35-A MRSA §3454, sub-§5, as amended by PL 2011, c. 655, Pt. DD, §15, is further amended to read:

5. Promoting economic development and resource conservation; assistance to host communities. To the extent practicable within existing resources, the Department of Economic and Community Development, the Governor's Energy Office and the Governor's Office of Policy Innovation and Management—the Future, shall provide, upon the request of a host community, assistance for the purpose of helping the host community maximize the economic development and resource conservation benefits from tax payments and payments made pursuant to a community benefit agreement or a community benefits package in connection with expedited wind energy developments. As part of this assistance, the department and the Department of Economic and Community Development shall support host communities in identifying additional funding and developing regional economic and natural resource conservation strategies.

Sec. D-17. 38 MRSA §484, sub-§10, as amended by PL 2011, c. 655, Pt. DD, §18, is further amended to read:

10. Special provisions; wind energy development or offshore wind power project. In the case of a grid-scale wind energy development, or an offshore wind power project with an aggregate generating capacity of 3 megawatts or more, the proposed generating facilities, as defined in Title 35-A, section 3451, subsection 5:

A. Will be designed and sited to avoid unreasonable adverse shadow flicker effects;

B. Will be constructed with setbacks adequate to protect public safety. In making a finding pursuant to this paragraph, the department shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities; and

C. Will provide significant tangible benefits as determined pursuant to Title 35-A, section 3454, if the development is an expedited wind energy development.

The Department of Labor, the Governor's Office of Policy Innovation and ~~Management~~ the Future, the Governor's Energy Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

For purposes of this subsection, "grid-scale wind energy development," "primary siting authority," "significant tangible benefits" and "expedited wind energy development" have the same meanings as in Title 35-A, section 3451.

Sec. D-18. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Governor's Office of Policy and Management" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Governor's Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. D-19. Rename Office of Policy and Management program. Notwithstanding any other provision of law, the Office of Policy and Management program within the Executive Department is renamed the Office of Policy Innovation and the Future program.

PART D SUMMARY

This Part renames the Governor's Office of Policy and Management to the Governor's Office of Policy Innovation and the Future.

PART E

Sec. E-1. 4 MRSA §1610-L is enacted to read:

§ 1610-L. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$55,000,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties.

Sec. E-2. Maine Governmental Facilities Authority; issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-L, and notwithstanding the limitation contained in Maine Revised Statutes, Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$55,000,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties as designated by the Commissioner of Administrative and Financial Services.

PART E SUMMARY

This Part authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$55,000,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART F

Sec. F-1. 5 MRSA §1710-E, as amended by PL 2011, c. 655, Pt. I, §6, is further amended to read:

There is established the Revenue Forecasting Committee, referred to in this chapter as the "committee," for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The committee includes the State Budget Officer, the Associate Commissioner for Tax Policy, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor, the Director of the Office of Fiscal and Program Review and another member of the Legislature's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council. ~~One of the 6 members must be selected by a majority vote of the committee members to serve as the chair of the committee.~~ Beginning in calendar year 2019, the chair of the Revenue Forecasting Committee shall be designated by a majority vote of the 6 members, among the Associate Commissioner for Tax Policy, the Director of the Office of Fiscal and Program Review, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor, and another member of the Legislature's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council, on a rotating basis to serve a two year term.

PART F SUMMARY

This Part revises the appointment of the chair of the Revenue Forecasting Committee, beginning in calendar year 2019, to be elected by the 6 members, from among the members listed, on a rotating basis for a two-year term. The members listed for the appointment of chair exclude the State Budget Officer. The exclusion is to avoid a conflict with the duties of the State Budget Officer established in current law that include convening a meeting of the Revenue Forecasting Committee if new information becomes available.

PART G

Sec. G-1. 25 MRSA §1542-A, sub-§1, ¶J, as amended by PL 2015, c. 300, Pt. B, §2, is further amended to read:

J. Who is an affected person, as defined in Title 36, Section 194-B, ~~has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services~~ and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-B;

Sec. G-2. 25 MRSA §1542-A, sub-§1, ¶K, as amended by PL 2017, c. 258, Pt. B, §1, is repealed.

Sec. G-3. 25 MRSA §1542-A, sub-§1, ¶L, as amended by PL 2017, c. 457, §10, is repealed.

Sec. G-4. 25 MRSA §1542-A, sub-§3, ¶J, as enacted by PL 2013, c. 546, §4, is amended to read:

J. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph J, at the request of that person and upon payment of the expenses by the Department of Administrative and Financial Services, Bureau of Revenue Services as specified under Title 36, section 194-B, subsection ~~23~~.

Sec. G-5. 25 MRSA §1542-A, sub-§3, ¶K, as enacted by PL 2015, c. 300, Pt. B, §4, is repealed.

Sec. G-6. 25 MRSA §1542-A, sub-§4, as amended by PL 2017, c. 452, §27, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, ~~K, L~~ or P must be transmitted

immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204.

Sec. G-7. 25 MRSA §1542-A, sub-§4, as amended by PL 2017, c. 457, §16, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, ~~K or L~~ must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, Bureau of Revenue Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph Q must be transmitted

immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services.

Sec. G-8. 36 MRSA §194-B, as amended by PL 2015, c. 300, Pt. B, §§7 and amended by PL 2015, c. 300, Pt. B, §§6-8, is repealed and replaced with:

§194-B. Background Investigations

1. Definitions. As used in this section the following terms have the following meanings:

A. Affected person. “Affected person” means a person who is:

- (1). An applicant for employment with the Bureau of Revenue Services;
- (2). A contractor for the Bureau of Revenue Services, including their respective employees, subcontractors and subcontractors' employees, who provides or is assigned to provide services to the bureau under an identified contract. For the purposes of this section, "identified contract" means a contract that the State Tax Assessor determines involves access or the substantial possibility of access to the bureau's information technology systems or to confidential tax information;
- (3). A current employee of the Bureau of Revenue Services; or
- (4). Employees and contractors, including their respective employees, subcontractors and subcontractors' employees, of other State agencies, if the assessor determines their duties involve access or the substantial possibility of access to federal tax information obtained from the Bureau of Revenue Services.

B. Confidential Tax Information. “Confidential tax information” means any information that’s inspection or disclosure is limited or prohibited by section 191, including federal tax information.

C. Federal Tax Information. “Federal tax information” means returns and return information as defined in the Code, section 6103(b) that are received directly from the Internal Revenue Service or obtained through an IRS-authorized secondary source and that are subject to the confidentiality protections and safeguarding requirements of the Internal Revenue Code and corresponding federal regulations and guidance. “Federal Return Information” does not

include that information in the hands of the State that is obtained by means wholly from sources independent from the IRS.

2. Background investigation requirements. The assessor shall perform background investigations for affected persons in accordance with this section.

A. Applicants for employment. As part of the process of evaluating an affected person for employment with the Bureau of Revenue Services a background investigation must be conducted before an offer of employment is extended.

B. Contractors. A background investigation for an affected person assigned to provide services to the Bureau of Revenue Services under an identified contract must be conducted before that affected person begins providing services to the bureau, and again, at least once every ten years, as long as the affected person continues providing services to the bureau.

C. Current employees. As part of the process of evaluating an affected person for continued employment with the Bureau of Revenue Services, a background investigation shall be conducted at least once every ten years. If an affected person has not been subject to a background investigation within ten years prior to the effective date of this Part, then a background investigation shall be conducted within one year of the effective date of this Part.

D. Employees and contractors of other State agencies. A background investigation for employees and contractors of other State agencies shall be conducted before that affected person is provided access, or the substantial possibility of access, to federal tax information obtained from the Bureau of Revenue Services, and again, at least once every ten years, as long as the affected person continues to have such access. However, if the assessor determines that the affected person has been subject to a background investigation that satisfies the background investigation standards established by the Internal Revenue Service regarding access to federal tax information within the past ten years, then no further investigations are required under this section for the ten-year period commencing at the time of the background investigation.

The background investigation shall include fingerprinting and obtaining national criminal history record information from the Federal Bureau of Investigation and shall satisfy the background investigation standards established by the Internal Revenue Service regarding access to federal tax information.

3. Fingerprinting. An affected person must consent to having fingerprints taken for use in background investigations in accordance with this section. The State Police shall take or cause to be taken the affected person's fingerprints and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the State Bureau of Identification can conduct

state and national criminal history record checks for the Bureau of Revenue Services. The State Police may charge the Bureau of Revenue Services for the expenses incurred in processing state and national criminal history record checks. The full fee charged under this subsection must be deposited in a dedicated revenue account for the State Bureau of Identification with the purpose of paying costs associated with the maintenance and replacement of the criminal history record systems.

4. Confidentiality. All information obtained by the assessor pursuant to this section is confidential and not a public record as defined in Title 1, section 402, subsection 3. The information must only be used for making decisions regarding the suitability of an affected person for new or continued employment with the Bureau of Revenue Services, to provide services to the bureau under an identified contract, or to access federal tax information obtained from the bureau.

5. Affected person's access to criminal history record information. The Bureau of Revenue Services shall provide an affected person with access to information obtained pursuant to this section, if requested, by providing a paper copy of the criminal history record information directly to the affected person, but only after the Bureau of Revenue Services confirms that the affected person is the subject of the record. In addition, the Bureau of Revenue Services shall publish guidance on requesting such information from the Federal Bureau of Investigation.

6. Disqualifying offenses; refusal to consent. The assessor shall review the information obtained under this section and determine whether an affected person has a disqualifying offense that would prohibit authorizing that individual from accessing confidential tax information or federal tax information. If the affected person refuses to consent to the background investigation requirements under this section, they are considered to have such a disqualifying offense. If the affected person has a disqualifying offense:

A. The Bureau of Revenue Services shall not employ or utilize that affected person in a position for which access to confidential tax information is required;

B. If the affected person is an employee of the Bureau of Revenue Services or is assigned to provide services to the bureau under an identified contract and the assessor has authorized the affected person to access confidential tax information, the bureau shall terminate that affected person's access and may remove that affected person from any position that involves access, or the substantial possibility of access, to confidential tax information. If the affected person is an employee of the bureau, the bureau shall make a reasonable effort to retain that person as an employee in another position within the bureau that does not require access to confidential tax information;

C. If the affected person is an employee or contractor of another State agency, the assessor shall notify the other agency and the agency shall terminate the affected person's access, or substantial possibility of access, to federal tax information and may remove that affected person from any position that involves such access. If the affected person is an employee of the agency, the agency shall make a reasonable effort to retain that person as an employee in another position that does not require access to federal tax information.

Sec. G-9. 36 MRSA §194-C as enacted by PL 2015, c. 300, Pt. B, §9 is repealed.

PART G SUMMARY

This Part implements background investigations for certain individuals with a business need to receive Federal Tax Information, in order to meet Internal Revenue Service standards. This Part also expands background checks to apply to all employees of Maine Revenue Services.

PART H

Sec. H-1. 30-A MRSA §5681, sub-§5, as amended by PL 2009, c. 213, Pt. S, §4, PL 2015, c. 267, Pt. K and affected by §16, is further amended to read:

5. Transfers to funds. No later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, except that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred is 2 %, except that for fiscal year 2019-20, the amount transferred is 2.5% and except that for fiscal year 2020-21, the amount transferred is 3% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. A percentage share of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B as follows:

- C. For months beginning on or after July 1, 2009 but before July 1, 2010, 15%;
- D. For months beginning on or after July 1, 2010 but before July 1, 2011, 16%;
- E. For months beginning on or after July 1, 2011 but before July 1, 2012, 17%;
- F. For months beginning on or after July 1, 2012 but before July 1, 2013, 18%;
- G. For months beginning on or after July 1, 2013 but before July 1, 2014, 19%; and
- H. For months beginning on or after July 1, 2014, 20%.

PART H SUMMARY

This Part sets the transfer to the Local Government Fund at 2.5% in fiscal year 2019-20 and 3% in fiscal year 2020-21.

PART I

Sec. I-1. 36 MRSA §112, subsection 2-B is enacted to read:

2-B. Stipend. The assessor may implement a salary adjustment for Maine Revenue Services employees in the job classifications of Tax Examiner, Tax Examiner II, Senior Tax Examiner, and Tax Section Manager to be compensated at a rate determined in accordance with recruitment and retention adjustments authorized by Title 5, section 7065, subsection 2-D, the amount of which is in addition to the regular rate of pay.

Sec. I-2. Costs to General Fund. Costs to the General Fund must be provided from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in the amount up to \$850,000 for the fiscal year ending June 30, 2020 and in the amount up to \$850,000 for the fiscal year ending June 30, 2021 to implement the salary adjustment in Section 1 of this Part.

PART I SUMMARY

This Part provides funding from the Salary Plan Program for salary increases for positions in Maine Revenue Services classified as a Tax Examiner, Tax Examiner II, Senior Tax Examiner, and Tax Section Manager. The funding is necessary for State fiscal years ending June 30, 2020 and June 30, 2021. The increases will improve the agency's ability to recruit and retain individuals in these classifications.

PART J

Sec. J-1. Transfer from Other Special Revenue Funds account in the Department of Administrative and Financial Services. Notwithstanding any other provision of law, no later than August 30, 2019, the State Controller shall transfer \$77,071.96 from the Department of Administrative and Financial Services, Elderly Tax Deferral Program, Other Special Revenue Funds account to the General Fund unappropriated surplus.

PART J SUMMARY

This Part transfers \$77,071.96 from the Department of Administrative and Financial Services, Elderly Tax Deferral Program, Other Special Revenue Funds account, the balance which remains at the close of the program, to the General Fund unappropriated surplus. The program's last participant passed away in calendar year 2016 and the account is no longer needed.

PART K

Sec. K-1. Tax expenditures. In accordance with the Maine Revised Statutes, Title 5, section 1666 and to the extent not otherwise provided in this Act, funding is continued for each individual tax expenditure, as defined in Title 5, section 1666, reported in the budget document submitted to the Legislature by the Governor in the first term of office on February 8, 2019 in the first regular legislative session.

PART K SUMMARY

This Part continues authorization for each individual tax expenditure provided by statute.

PART L

Sec. L-1. Voluntary employee incentive programs. Notwithstanding the Maine Revised Statutes, Title 5, section 903, subsections 1 and 2, the Commissioner of Administrative and Financial Services shall offer for use prior to July 1, 2021 special voluntary employee incentive programs for state employees, including a 50% workweek, flexible position staffing and time off without pay. Employee participation in a voluntary employee incentive program is subject to the approval of the employee's appointing authority.

Sec. L-2. Continuation of group health insurance. Notwithstanding the Maine Revised Statutes, Title 5, section 285, subsection 7 and Title 5, section 903, the State shall continue to pay health and dental insurance benefits for a state employee who applies prior to July 1, 2021 and is approved to participate in a voluntary employee incentive program under section 1 of this Part based upon the scheduled workweek in effect prior to the employee's participation in the voluntary employee incentive program.

Sec. L-3. Continuation of group life insurance. Notwithstanding the Maine Revised Statutes, Title 5, sections 903 and 18056 and the rules of the Maine Public Employees Retirement System, the life, accidental death and dismemberment, supplemental and dependent insurance amounts for a state employee who applies prior to July 1, 2021 and is approved to participate in a voluntary employee incentive program under section 1 of this Part are based upon the scheduled hours of the employee prior to the employee's participation in the voluntary employee incentive program.

Sec. L-4. General Fund savings. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall transfer the General Fund savings resulting from the voluntary employee incentive programs under section 1 of this Part to the General Fund Compensation and Benefit Plan account in the Department of Administrative and Financial Services. The State Budget Officer shall submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2021 for fiscal year 2019-20 and no later than January 15, 2022 for fiscal year 2020-21.

Sec. L-5. Lapsed balances. Notwithstanding any other provision of law, \$350,000 in fiscal year 2019-20 and \$350,000 in fiscal year 2020-21 of savings identified from the voluntary employee incentive programs in this Part lapse to the General Fund.

PART L SUMMARY

This Part continues the voluntary employee incentive program through the 2020-2021 biennium.

PART M

Sec M-1. Carry balances; Debt Service – Government Facilities Authority.

Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining balances in the Debt Service – Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2020-2021 biennium into the following fiscal year.

PART M SUMMARY

This Part authorizes the State Controller to carry any remaining balances in the Debt Service – Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2020-2021 biennium into the following fiscal year.

PART N

Sec. N-1. Attrition savings. Notwithstanding any provision of law to the contrary, the attrition rate for the 2020-2021 biennium is 5% for judicial branch and executive branch departments and agencies only. The attrition rate for subsequent biennia is 1.6%.

Sec. N-2. Calculation and transfer; attrition savings. The State Budget Officer shall calculate the amount of the savings in Part A that applies against each General Fund account for all executive branch departments and agencies statewide and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2019-20 and 2021-21. The State Budget Officer shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts no later than September 1, 2020.

Sec. N-3. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% for fiscal years 2019-20 and 2020-21.

GENERAL FUND	2019-20	2020-21
Personal Services	<u>(\$12,850,861)</u>	<u>(\$13,304,915)</u>
GENERAL FUND TOTAL	(\$12,850,861)	(\$13,304,915)

**JUDICIAL DEPARTMENT
Courts – Supreme, Superior and District 0063**

Initiative: Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% for fiscal years 2019-20 and 2020-21.

GENERAL FUND	2019-20	2020-21
Personal Services	<u>(\$1,456,778)</u>	<u>(\$1,538,004)</u>
GENERAL FUND TOTAL	(\$1,456,778)	(\$1,538,004)

**PART N
SUMMARY**

This Part sets the attrition rate for the 2020-2021 biennium from 1.6% to 5% for judicial branch and executive branch departments and agencies.

PART O

Sec. O-1. Department of Administrative and Financial Services; financial Agreement authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, Office of Information Technology and Maine Revenue Services may enter into financing arrangements on or after July 1, 2019, with debt service commencing on or after July 1, 2021, for the acquisition, licensing, installation, implementation, maintenance and support of computer hardware, software and other systems to support the operations of Maine Revenue Services tax administration. The financial agreement may not collectively exceed 7 years in duration and \$46,400,000 in principal costs. The interest rate may not exceed 7%. Annual principal and interest costs must be paid from the Bureau of Revenue Services program accounts in the Department of Administrative and Financial Services.

PART O SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements related to the modernization of the tax collection system for amounts not to exceed \$46,400,000 in principal costs and not to exceed 7 years in duration.

PART P

Sec. P-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 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into in each fiscal year may not exceed \$5,500,000 in principal costs, and a financing agreement may not exceed 4 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

PART P SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART Q

Sec. Q-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, on behalf of the Department of Public Safety, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the State Police. The financing agreements entered into in each fiscal year may not exceed \$2,300,000 in principal costs, and a financing agreement may not exceed 3 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the State Police accounts.

PART Q SUMMARY

This Part authorizes the Department of Administrative and Financial Service to enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Department of Public Safety.

PART R

Sec. R-1. Transfer; Reserve for General Fund Operating Capital to the General Fund Unappropriated Surplus. Notwithstanding any other provision of law, the State Controller shall transfer \$6,000,000 from the Reserve for General Fund Operating Capital to the General Fund Unappropriated Surplus on or before June 30, 2019.

PART R SUMMARY

This Part transfers \$6,000,000 from the Reserve for General Fund Operating Capital to the General Fund Unappropriated Surplus in fiscal year 2018-19.

PART S

Sec. S-1. Department of Administrative and Financial Services; financial Agreement authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services and the Department of Health and Human Services, Office of Child and Family Services may enter into financing arrangements on or after July 1, 2019, with debt service commencing on or after July 1, 2021, for the acquisition, licensing, installation, and implementation of computer hardware, software and other systems to support the operations of a child welfare system. The financial agreement may not collectively exceed 7 years in duration and \$14,000,000 in principal costs. The interest rate may not exceed 7%. Annual principal and interest costs must be paid from the Office of Child and Family Services program accounts in the Department of Health and Human Services.

PART S SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements related to the modernization of the child welfare system for amounts not to exceed \$14,000,000 in principal costs and not to exceed 7 years in duration.

PART T

Sec. T-1. 7 MRSA §1820-A, sub-§4, as enacted by PL 2005, c. 281, §2, is amended to read:

4. Surcharge. A person submitting a sample to the department for an official test for equine infectious anemia shall pay a surcharge of \$4 for each sample tested by the department. The commissioner shall collect the surcharge and deposit all money received under this subsection into the animal welfare auxiliary fund established under section 3906-B, subsection 16. All revenue collected pursuant to this subsection must be used for investigating alleged cases of mistreatment or abuse of equines, ~~and~~ enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines, and to support costs associated with Department of Agriculture, Conservation and Forestry laboratory services needed to control or eradicate diseases affecting equines.

Sec. T-2. 7 MRSA §3906-B, sub-§16, as amended by PL 2009, c. 548, §1, is further amended to read:

§3906-B. Powers and Duties of the Commissioner

16. Animal welfare auxiliary fund. The commissioner may accept gifts, donations, bequests, endowments, grants and matching funds from any private or public source for the purposes of ensuring the humane and proper treatment of animals and enhancing the administration and enforcement of this Part and Title 17, chapter 42. The commissioner shall deposit all funds accepted for these purposes and all proceeds from sales authorized under subsection 17 into a separate, nonlapsing account known as the animal welfare auxiliary fund. All gifts, donations, bequests, endowments, grants, proceeds and matching funds received must be used for the benefit of and accomplishment of the objectives in this Part and Title 17, chapter 42 and any gift, donation, bequest, endowment, grant or matching funds accepted with a stipulated purpose may be used only for that purpose.

All money deposited in the animal welfare auxiliary fund in accordance with section 1820-A, subsection 4 must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines, ~~and~~ and to support costs associated with Department of Agriculture, Conservation and Forestry laboratory services needed to control or eradicate diseases affecting equines.

PART T SUMMARY

This Part allows monies deposited in the animal welfare auxiliary fund to be used to support costs associated with Department of Agriculture, Conservation and Forestry laboratory services needed to control or eradicate diseases affecting equines.

PART U

Sec. U-1. 8 MRSA §299-A, sub-§1, as enacted by PL 2017, c. 371, §5 is amended to read:

1. Fund created. The Harness Racing Promotional Fund, referred to in this section as "the fund," is established as a separate unit operating within the Harness Racing Commission program to be used solely for the marketing and promotion of harness racing in the State. The fund consists of any money received through the commission on wagers pursuant to section 286 and any contributions, grants or appropriations from private and public sources. The fund, to be accounted for within the commission, must be held separate and apart from all other money, ~~funds and accounts~~. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year.

PART U SUMMARY

This Part consolidates accounts to recognize administrative efficiencies.

PART V

Sec. V-1. 12 MRSA §544-C, as enacted by PL 1999, c. 556, §13, is amended to read:

The Natural Areas Conservation Fund is established as a nonlapsing separate account to be administered by the commissioner. Income from gifts, bequests, devises, grants, fees and other sources may be deposited in this fund. All money in the fund and earnings on that money must be used for the investigation, conservation and management of native plants, natural communities, ecosystems or other significant features as described in this chapter and for administrative and personnel costs for the purposes of this section. The commissioner may make grants from the fund to any person, organization, state agency or other entity to undertake inventory and research about rare plants, natural communities, ecosystems or other features of natural areas.

Funds in the Natural Areas Conservation Fund may not be deposited in the General Fund or any other fund except as provided by law. ~~All funds of the Natural Areas Conservation Fund are subject to allocation by the Legislature.~~

PART V SUMMARY

This Part makes certain funds continuously available for the designated purpose.

PART W

Sec. W-1. 12 MRSA §1804, sub-§3, as enacted by PL 1997, c. 678, §13, is amended to read:

3. Acceptance of funds. Accept donations, gifts, grants and bequests of money or other personal property to be used in advancing recreational, educational, conservation, land acquisition and land management purposes in state parks, historic sites, submerged and intertidal lands, public reserved lands and nonreserved public lands. All money received from donations, gifts, bequests and grants must be deposited in nonlapsing, dedicated accounts according to the specified purposes and intents of the donors or grantors. ~~The funds are subject to allocation by the Legislature.~~

**PART W
SUMMARY**

This Part makes certain funds continuously available for the designated purpose.

PART X

Sec. X-1. 12 MRSA §1824, as revised by PL 2013, c. 405, Pt. A, §24, is amended to read:

The bureau may accept and receive funds from the Federal Government for all purposes relating to parks, recreation trails, recreation areas and property included in the National Register of Historic Places as defined in 16 United States Code, Section 470 a. (a)(1)(P. L. 89-665). The Treasurer of State is the appropriate fiscal officer to receive such federal funds ~~and the funds are subject to allocation by the Legislature.~~

PART X SUMMARY

This Part makes certain funds continuously available for the designated purpose.

PART Y

Sec. Y-1. 12 MRSA §1825 as revised by 2013, c. 405, Pt. A, §24 is amended to read:

The bureau shall administer funds relating to state parks and historic sites, municipal recreation and recreation management on lands classified as state parks or historic sites pursuant to this chapter. These funds include but are not limited to the following:

~~**1. Maine State Parks and Recreational Facilities Development Fund.** The Maine State Parks and Recreational Facilities Development Fund is established within the bureau for the purpose of developing, maintaining and managing state parks and other recreational facilities on lands owned or leased by the bureau.~~

~~Income from legislative appropriation, gifts, grants, bequests and other sources approved by the Legislature may be deposited into this fund. Any interest earned on money in the fund must also be credited to the fund. The Maine State Parks and Recreational Facilities Development Fund is nonlapsing and all funds are subject to allocation by the Legislature.~~

1-A. Parks General Operations Fund. The Parks General Operations Fund is established within the bureau for the purpose of developing, maintaining and managing state parks and other recreational facilities on lands owned or leased by the bureau.

Income from legislative appropriation, gifts, grants, bequests, the Maine Environmental Trust Fund in accordance with section 10255, subsection 3, and any other sources approved by the Legislature may be deposited in this fund. Any interest earned on money in the fund must be credited to the fund. The Parks General Operations Fund is nonlapsing.

~~**2. Maine State Parks Fund.** The Maine State Parks Fund is established within the bureau. The fund receives money from the Maine Environmental Trust Fund in accordance with section 10255, subsection 3. The bureau shall use money in the fund for major and minor capital improvements, maintenance, repairs and operations at state parks and historic sites.~~

~~The Maine State Parks Fund is nonlapsing and all funds are subject to allocation by the Legislature.~~

3. Municipal Recreation Fund. The bureau shall administer a state grant-in-aid fund known as the Municipal Recreation Fund. The bureau is responsible for administering all money made available to the fund. Grants-in-aid may be made by the bureau out of the fund as follows.

A. The bureau may make grants to assist municipalities and other political subdivisions in the capital improvement of public park and recreation facilities for projects the total cost of each one of which does not exceed \$5,000. Such a grant may not exceed 75% of the approved project cost. A municipality may not receive more than one grant under this paragraph in any fiscal year.

B. For those projects that are approved to receive federal financial assistance under the Federal Land and Water Conservation Fund Act of 1965, (P.L. 88-578), as amended, the bureau may make a supplemental grant not to exceed 40% of the approved project cost.

C. The bureau may make grants to assist municipalities and other political subdivisions in the development and implementation of recreation programs. Eligible costs for the program grants include, but are not limited to, employment of personnel, transportation and noncapital equipment or supplies. Any grant made under this paragraph in any single fiscal year may not exceed \$1,000 or 50% of the project cost, whichever is less.

Funds credited to the Municipal Recreation Fund are nonlapsing.

4. Forest Recreation Resource Fund. The bureau may construct and maintain public campsites to prevent forest fires by providing fire-safe sites and preventing a proliferation of private fires and to provide recreation opportunities on lands within its jurisdiction and elsewhere in the State's forests where there is inadequate provision of private, primitive campsites.

For the purpose of carrying out these activities, the bureau may accept voluntary services and other contributions pursuant to this chapter; enter into leases and other agreements; and, pursuant to Title 5, chapter 375, subchapter II, establish rules and a schedule of fees for the use of these campsites. All such fees and other revenues derived from grants, contributions, contracts and transfers to carry out the purposes of this subsection must be deposited in a nonlapsing account, to be called the Forest Recreation Resource Fund, which operates as a separate unit within the Parks General Operations Fund account to be used for the purposes of this subsection. ~~All funds in this account are subject to allocation by the Legislature.~~

5. State Parks Improvement Fund established; sale of merchandise. The State Parks Improvement Fund, which operates as a separate unit within the Parks General Operations Fund account, referred to in this section as "the fund," is established within the bureau. The fund is nonlapsing. The bureau may sell within parks or historic sites general merchandise that is distinctive to the parks or historic sites or useful to the enjoyment of the parks or historic sites. Items that may be sold include, but are not limited to, hats, coffee mugs, bumper stickers, t-shirts, tote bags and firewood. Merchandise sold by the bureau must be of good quality, appropriate for sale by the bureau and sold for a reasonable fee. The bureau also may rent items to be used for the enjoyment of the park or historic site, including, but not limited to, rowboats, canoes, kayaks and bicycles. To the extent the bureau needs to contract with vendors to obtain goods or services in order to develop, create or manufacture merchandise for sale or lease, the commissioner shall, to the maximum extent practicable, contract with vendors located in this State. Goods and services purchased by the bureau for sale or lease under this section must be procured in accordance with Title 5, chapter 155. All proceeds from the sale or lease of merchandise pursuant to this subsection must be deposited in the fund and used for the operation and maintenance of parks.

Sec. Y-2. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Maine State Parks and Recreational Facilities Development Fund program, Other Special Revenue Funds to the Parks General Operations Fund account, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

Sec. Y-3. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Maine State Parks Fund program, Other Special Revenue Funds to the Parks General Operations Fund account, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

Sec. Y-4. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Forest Recreation Resource Fund program, Other Special Revenue Funds to the Parks General Operations Fund account, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

Sec. Y-5. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the State Parks Improvement Fund account, Other Special Revenue Funds to the Parks General Operations Fund account, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

PART Y SUMMARY

This Part eliminates the Maine State Parks and Recreational Facilities Development Fund and the Maine State Parks Fund and replaces the two funds with the newly established Parks General Operations Fund. It also makes the Forest Recreation Resources Fund and the State Parks Improvement Fund separate units of the newly established Parks General Operations Fund, authorizes a transfer of residual cash remaining in these accounts to the Parks General Operations Fund account.

PART Z

Sec. Z-1. 12 MRSA §1849, sub-§4, as enacted by PL 2017, c. 289, §4, is further amended to read:

4. Expenditures from fund. Expenditures from the Public Reserved Lands Management Fund, including but not limited to money expended for road building and road maintenance, are subject to legislative approval in the same manner as appropriations from the General Fund. Money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature if the cash operating balance is below \$2,500,000 or to meet the bureau's expenses with respect to general operating purposes as outlined in subsection 2. Allotments in excess of legislatively authorized allocations will follow the provisions of Title 5, section 1667-B. ~~The joint standing committee of the Legislature having jurisdiction over public lands matters, referred to in this subsection as "the jurisdictional committee," shall review all allocations or subdivisions of allocations from the fund.~~

A. Before January 15th of each odd-numbered year, the commissioner shall submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner shall submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium.

B. After receiving a budget submission pursuant to paragraph A, the jurisdictional committee shall review the proposed budget or budget modification and shall determine the appropriate allocations or modifications of existing allocations of the fund. The jurisdictional committee shall submit its recommended allocations or modifications to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which shall include those recommended allocations or modifications of allocations in an appropriate biennial budget or supplemental budget bill.

PART Z SUMMARY

This Part allows retention of staff and continuous operation of Public Lands in all marketing situations. Legislative reporting requirements and oversight remain intact.

PART AA

Sec. AA-1. 12 MRSA §1890-B, as revised in PL 2007, c. 2, §2 is amended to read;

The Treasurer of State shall establish a dedicated, nonlapsing ~~account~~unit called the Allagash Wilderness Waterway Permanent Endowment Fund as a separate unit operating within the Allagash Waterway account and shall manage the account as a state-held trust. Subject to the approval of the Governor, the commissioner may accept funds from any source and may accept gifts in trust to be credited to the Allagash Wilderness Waterway Permanent Endowment Fund, except that a gift may not be accepted with any encumbrances or stipulations as to the use of the gift. Interest earned on investments in the fund must be credited to the fund. With the advice of the Allagash Wilderness Waterway Advisory Council under section 1890-A, the director may expend money from the fund for purposes consistent with section 1871 and an approved waterway management plan.

Sec. AA-2. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Allagash Wilderness Waterway Permanent Endowment Fund account, Other Special Revenue Funds to the Allagash Waterway account, Other Special Revenue Funds within the Parks - General Operations program in the Department of Agriculture, Conservation and Forestry.

PART AA SUMMARY

This Part consolidates Allagash Wilderness Waterway Permanent Endowment Fund within the Parks - General Operations program and authorizes a transfer of residual cash remaining in the Allagash Wilderness Waterway Permanent Endowment Fund account that is being consolidate with the Allagash Waterway account in the Parks - General Operations program.

PART BB

Sec. BB-1. 12 MRSA §5015, as revised by PL 2011, c. 657, Pt. W, §5, is amended to read:

There is established within the Department of Agriculture, Conservation and Forestry a Maine Rivers Protection Fund, which shall be funded by donations, bequests, grants, gifts and proceeds from the sale of Maine rivers protection promotion items. The fund shall not lapse.

Pursuant to the authority established in section 5012, the commissioner may administer a state grant-in-aid program and may promulgate rules therefor under Title 5, chapter 375, subchapter II. The purpose of the program is to assist local governments, river conservation or management groups and landowners in activities that may include the acquisition, establishment and maintenance of access sites, parking areas, picnic areas, campsites and sanitary facilities; encouraging and securing shoreland gifts and conservation easements; financial support for river runners, litter control, signs and educational materials; the restoration and enhancement of anadromous fisheries; improving the natural productivity of inland fisheries; and supervision of recreational use and other similar or associated activities involving the protection of and public access to the State's rivers.

~~All funds of the Maine Rivers Protection Fund shall be subject to allocation by the Legislature.~~

Rules adopted under this section shall become effective immediately, but shall be submitted to the Legislature no later than the next regular session for approval or modification. If the Legislature fails to act, those rules shall continue in full force and effect.

PART BB SUMMARY

This Part makes certain funds continuously available for the designated purpose.

PART CC

Sec. CC-1. Rename Geological Survey program. Notwithstanding any other provision of law, the Geological Survey program within the Department of Agriculture, Conservation and Forestry is renamed the Geology and Resource Information program.

PART CC SUMMARY

This Part renames the Geological Survey program to the Geology and Resource Information program.

PART DD

Sec. DD-1. Transfer Balances Notwithstanding any other provision of law, at the close of fiscal year 2018-19, the Department of Agriculture, Conservation and Forestry shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Submerged Lands and Shore and Harbor accounts in the Land Management and Planning program, Other Special Revenue Funds to the Submerged Lands and Shore and Harbor accounts in the Submerged Lands and Island Registry program, Other Special Revenue Funds.

PART DD SUMMARY

This Part authorizes a transfer of residual cash remaining in the Submerged Lands and Shore and Harbor accounts that were transferred to a new program.

PART EE

Sec. EE-1. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Boating Facilities Fund program, Other Special Revenue Funds to the Boating Facilities Fund account in the Off-Road Recreational Vehicles Program, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

**PART EE
SUMMARY**

This Part authorizes a transfer of residual cash remaining in the Boating Facilities Fund program to the Boating Facilities Fund account in the Off-Road Recreational Vehicles Program.

PART FF

Sec. FF-1. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Municipal Planning Assistance program, Federal Expenditures Fund to the Geological Survey program, Federal Expenditures Fund in the Department of Agriculture, Conservation and Forestry.

**PART FF
SUMMARY**

This Part authorizes a transfer of residual cash remaining in the Municipal Planning account after consolidating the account with the Geological Survey program.

PART GG

Sec. GG-1. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Coastal Island Registry account, Other Special Revenue Funds to the Submerged Lands Fund account, Other Special Revenue Funds within the Submerged Lands and Island Registry program in the Department of Agriculture, Conservation and Forestry.

PART GG SUMMARY

This Part authorizes a transfer of residual cash remaining in the Coastal Island Registry account after consolidating the account with the Submerged Lands Fund account in the Submerged Lands and Island Registry program.

PART HH

Sec. HH-1. State Floodplain Mapping Fund. The State Floodplain Mapping Fund established under the Maine Revised Statutes, Title 12, section 409 operates as a unit within the Geological Survey program in the Department of Agriculture, Conservation and Forestry.

Sec. HH-2. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Floodplain Management program, Federal Expenditures Fund to the Geological Survey program, Federal Expenditures Fund in the Department of Agriculture, Conservation and Forestry.

Sec. HH-3. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Floodplain Mapping program, Other Special Revenue Funds account to the Geological Survey program, Other Special Revenue Funds account in the Department of Agriculture, Conservation and Forestry.

PART HH SUMMARY

This Part consolidates the State Floodplain Mapping Fund, Other Special Revenue Funds account into the Geological Survey program and authorizes a transfer of residual cash remaining in the Floodplain Management program accounts after consolidating the accounts with the Geological Survey program.

PART II

Sec. II-1. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Parks and Lands Disaster Assistance account, Federal Expenditures Fund to the Parks General Operations account, Federal Expenditures Fund within the same program in the Department of Agriculture, Conservation and Forestry.

Sec. II-2. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Parks Acquisitions account, Other Special Revenue Funds to the Parks General Operations account, Other Special Revenue Funds within the same program in the Department of Agriculture, Conservation and Forestry.

Sec. II-3. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Land for Maine's Future Access Improvement account, Other Special Revenue Funds to the Parks General Operations account, Other Special Revenue Funds within the same program in the Department of Agriculture, Conservation and Forestry.

Sec. II-4. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Parks Outdoor Heritage Fund account, Other Special Revenue Funds to the Parks General Operations account, Other Special Revenue Funds within the same program in the Department of Agriculture, Conservation and Forestry.

Sec. II-5. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Whitewater Rafting Parks and Recreation account, Other Special Revenue Funds to the Parks General Operations account, Other Special Revenue Funds within the same program in the Department of Agriculture, Conservation and Forestry.

Sec. II-6. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Park Maintenance Miscellaneous Gift and Bequests account, Other

Special Revenue Funds to the Parks General Operations account, Other Special Revenue Funds within the same program in the Department of Agriculture, Conservation and Forestry.

PART II
SUMMARY

This Part authorizes a transfer of residual cash remaining in several accounts after consolidating the accounts in the Parks General Operations program.

PART JJ

Sec. JJ-1. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Holbrook Island Sanctuary account, Other Special Revenue Funds to the Vaughan Woods State Park account, Other Special Revenue Funds within the same program in the Department of Agriculture, Conservation and Forestry.

Sec. JJ-2. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Wolf Neck Woods State Park account, Other Special Revenue Funds to the Vaughan Woods State Park account, Other Special Revenue Funds within the same program in the Department of Agriculture, Conservation and Forestry.

Sec. JJ-3. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Mackworth account in the Submerged Lands and Coastal Registry program, Other Special Revenue Funds to the Vaughan Woods State Park account in the Parks General Operations program, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry.

PART JJ SUMMARY

This Part authorizes a transfer of residual cash remaining in the accounts that were transferred to Vaughan Woods State Park account in the Parks General Operations program. The Vaughan Woods State Park account will be renamed Parks and Lands Trust Funds after the consolidation.

PART KK

Sec. KK-1. Transfer of funds from Unencumbered Balance Forward, Department of Agriculture, Conservation and Forestry, Division of Forest Protection Carrying Account. Notwithstanding any other provision of law, the State Controller shall leave only \$500,000 of unencumbered balance forward remaining amount in the Personal Services line category in the Division of Forest Protection, General Fund account at the close of fiscal year 2018-19 and shall transfer all remaining monies from unencumbered balance forward in the Personal Services line category above \$500,000 on or before August 1, 2019 to the Capital Expenditures line category in the Division of Forest Protection, General Fund account to fund the overhaul of existing helicopters.

PART KK SUMMARY

This Part authorizes a one-time transfer of all funds in excess of \$500,000 from the unencumbered balance forward in the Personal Services line category in the Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Division of Forest Protection, General Fund account to fund the overhaul of existing helicopters.

PART LL

Sec. LL-1. 22 MRSA §3023-A, as enacted by PL 2013, c. 113, §2 is amended to read:

The Chief Medical Examiner may appoint persons who are physicians as medicolegal death investigators, who have statewide jurisdiction and serve at the pleasure of the Chief Medical Examiner, subject to the Chief Medical Examiner's control and rules adopted by the Chief Medical Examiner. Medicolegal death investigators must meet the certification and training requirements established by the Chief Medical Examiner and must be residents of this State. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner. A medicolegal death investigator before entering upon the duties of the office must be duly sworn to the faithful performance of the medicolegal death investigator's duty.

Training Program. The Chief Medical Examiner may implement a training program to enhance the technical and oversight expertise of the Office of the Chief Medical Examiner and Medicolegal Death Investigator I positions. Employees in the Medicolegal Death Investigator I classification who participate in the training and education program and who demonstrate that they have achieved competencies prescribed by the Chief Medical Examiner may progress immediately to the senior position in this classification series.

PART LL SUMMARY

This Part gives the Chief Medical Examiner authority to progress immediately a Medicolegal Death Investigator I (MLDI I) to Medicolegal Death Investigator II provided the MLDI I demonstrates competencies and training for the higher classification.

PART MM

Sec MM-1. Department of Corrections; Transfer of funds for overtime expenses.

Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Corrections, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, may transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purposes of paying overtime expenses in fiscal years 2019-20 and 2020-21. These transfers are not considered adjustments to appropriations.

**PART MM
SUMMARY**

This Part authorizes the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditure line categories between accounts within the same fund for the purpose of paying departmental overtime expenses in the fiscal years of 2019-20 and 2020-21.

PART NN

Sec NN-1. Transfers and adjustments to position count. The Commissioner of Corrections shall review the current organizational structure of the Department of Corrections to improve organizational efficiency and cost-effectiveness and shall recommend transfers of positions and available balances. Notwithstanding any other provision of law, the State Budget Officer shall transfer the position counts and available balances by financial order in order to achieve the purposes of this section from July 1st to December 1st of each fiscal year of the 2020-2021 biennium. Position adjustments made after December 1st and before July 1st of each fiscal year may not be an adjustment to position count or appropriations. In accordance with the requirements of the Maine Revised Statutes, Title 5, section 1585, a financial order describing such a transfer must be submitted by the Department of Administrative and Financial Services, Bureau of the Budget to the Office of Fiscal and Program Review 30 days before a transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Any transfer or adjustment pursuant to this section that would result in a program or mission change or facility closure must be reported by the Bureau of the Budget to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters for review before the associated financial order is submitted to the Governor approval. These transfers are considered adjustments to authorized position count, appropriations and allocations.

PART NN SUMMARY

This Part allows the Commissioner of Corrections to review the current organizational structure to improve organizational efficiency and authorizes the State Budget Officer to transfer positions and available balances by financial order. The ability to make these transfers is limited to the period of July 1st to December 1st of each fiscal year in the 2020-2021 biennium. Any transfers resulting in a mission change or facility closure must have legislative review.

PART OO

Sec. OO-1. 5 MRSA c. 393 is enacted to read:

Chapter 393: Building Codes and Standards

§13180. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Technical Building Codes and Standards Board established in section 12004-G, subsection 5-A.

2. Building official. "Building official" means a building official appointed pursuant to Title 25, section 2351-A.

3. Code. "Code" means the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

4. Director. "Director" means the Director of the Office of Community Development, Department of Economic and Community Development.

5. Division. "Division" means the Division of Building Codes and Standards established in section 13181.

6. Third party inspector. "Third party inspector" means a person certified by the State to conduct inspections under Title 30-A, section 4451 for compliance with the code. A 3rd party inspector may not hold a pecuniary interest, directly or indirectly, in any building for which the 3rd party inspector issues an inspection report pursuant to section 13182 and may not serve as a 3rd party inspector in any municipality where that 3rd party inspector has been appointed as a building official or code enforcement officer.

§13181. Division of Building Codes and Standards

1. Established. The Division of Building Codes and Standards is established within the Department of Economic and Community Development, Office of Community Development to provide administrative support and technical assistance to the board in executing its duties pursuant to Title 10, section 9722, subsection 6.

2. Duties. The Director will assign staff that, certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, for the Division of Building Codes and Standards shall attend meetings of the board, keep records of the proceedings of the board and carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

A. Providing nonbinding interpretation of the code for professionals and the general public; and

B. Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules.

§13182. Municipal Inspection Options

The code must be enforced in a municipality that has more than 4,000 residents. The code must be enforced through inspections that comply with the code through any of the following means:

1. Building officials. Building officials and local code enforcement officers;

2. Interlocal agreements. Interlocal agreements with other municipalities that share the use of building officials certified in building standards pursuant to Title 10, section 9723;

3. Contractual agreements. Contractual agreements with county or regional authorities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; and

4. Third-party inspectors. Reports from 3rd party inspectors certified pursuant to Title 10, section 9723 submitted to the building official prior to obtaining a certificate of occupancy in Title 25, section 2357-A that are obtained pursuant to independent contractual arrangements between the building owner and 3rd party inspector or the municipality and 3rd party inspector.

§13183. Maine Code Enforcement Training and Certification Fund

The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established within the Department of Economic and Community Development, Office of Community Development to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by Title 25, section

2450-A and deposited to the fund. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

Sec. OO-2. 10 MRSA §9722, sub-§1, as amended by PL 2011, c. 633, §5, is further amended to read:

1. Establishment. The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the Department of ~~Public Safety, Office of the State Fire Marshal,~~Economic and Community Development, Office of Community Development, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and the fire and life safety codes in Title 25, sections 2452 and 2465 and to provide for training for municipal building officials, local code enforcement officers and 3rd party inspectors.

Sec. OO-3. 10 MRSA §9722, sub-§3, as enacted by PL 2007, c. 699, §6, is amended to read:

3. Ex officio member; chair. The ~~Commissioner~~Director of ~~Public Safety~~the Office of Community Development, or the ~~commissioner's~~director's designee, serves as an ex officio member and as the chair of the board. The chair is a nonvoting member, except in the case of a tie of the board. The chair is responsible for ensuring that the board maintains the purpose of its charge when executing its assigned duties, that any adoption and amendment requirements for the Maine Uniform Building and Energy Code are met and that training and technical assistance is provided to municipal building officials.

Sec. OO-4. 10 MRSA §9723, sub-§1, as enacted by PL 2007, c. 699, §6, is amended to read:

1. Appoint committee; establish requirements. The board shall appoint a 5-member training and certification committee, referred to in this section as "the committee," to establish the training and certification requirements for municipal building officials, local code enforcement officers and 3rd party inspectors. For purposes of this section, "3rd party inspector" has the same meaning as set forth in Title ~~255~~, section ~~2374~~13180, subsection 6.

Sec. OO-5. 10 MRSA §9723, sub-§2, as repealed and replaced by PL 2013, c. 424, Pt. A, §3, is amended to read:

2. Training program standards; implementation. The committee shall direct ~~the training coordinator~~ of the Division of Building Codes and Standards, established in Title ~~255~~, section ~~2372~~13181, to develop a training program for municipal building officials, local code enforcement officers and 3rd party inspectors. The Department of Economic and Community Development, Office of Community Development, pursuant to Title 30-A, section 4451,

subsection 3-A, shall implement the training and certification program established under this chapter.

Sec. OO-6. 10 MRSA §9724, sub-§1, as amended by PL 2011, c. 408, §4, is further amended to read:

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section ~~2373~~13182.

Sec. OO-7. 10 MRSA §9724, sub-§1-A, as enacted by PL 2011, c. 408, §5, is amended to read:

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. Notwithstanding any other provision of this chapter or Title ~~255~~, chapter ~~314~~393, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.

Sec. OO-8. 25 MRSA §2353-A, as amended by PL 2011, c. 582, §4, is further amended to read:

The building official shall inspect each building during the process of construction so far as may be necessary to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread, and may give such directions in writing to the owner or contractor as the building official considers necessary concerning the construction of the building so as to render the building safe from the catching and spreading of fire. For a building official in a municipality that is enforcing the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724, unless the municipality is enforcing that code by means of 3rd party inspectors pursuant to Title 5, section ~~2373~~13182, subsection 4, the building official shall inspect each building during the process of construction for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

Sec. OO-9. 25 MRSA §2357-A, as amended by PL 2011, c. 582, §6, is further amended to read:

A building in a municipality of more than 2,000 inhabitants may not be occupied until the building official has given a certificate of occupancy for compliance with the inspections required by section 2353-A. A building in a municipality of more than 2,000 inhabitants that has adopted or is enforcing the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724 may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103, and in accordance with the required enforcement and inspection options provided in Title 5, section 237313182. The building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd party inspector pursuant to Title 5, section 237313182, subsection 4. The municipality has no obligation to review a report from a 3rd party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353-A, an appeal may be taken pursuant to Title 30-A, section 4103, subsection 5 or through an alternative appeal process that has been established by ordinance pursuant to Title 10, section 9724, subsection 5. If on such appeal it is decided that section 2353-A has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official.

Sec. OO-10. 25 MRSA §2359, as amended by PL 2009, c. 261, Pt. B, §9, is further amended to read:

An owner or occupant of a building who refuses to permit a building official to enter the building or willfully obstructs the building official in the inspection of the building as required by Title 5, chapter 393 and Title 25, chapters 313, and 315 to 321 must be penalized in accordance with Title 30-A, section 4452.

Sec. OO-11. 25 MRSA §2450-A, as repealed and replaced by PL 2013, c. 424, Pt. A, §13, is amended to read:

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter ~~314~~393 and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund in the Department of Public Safety and transferred to the Department of Economic and Community Development pursuant to Title 5, section 13183.

Sec. OO-12. 25 MRSA c. 314 is repealed.

Sec. OO-13. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2018-19, the Department of Public Safety shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Building Codes and Standards program, Other Special Revenue Funds account related to the Maine Uniform Building and Energy Code pursuant to Title 10, to the Community Development Block Grant Program, Other Special Revenue Funds account within the Department of Economic and Community Development.

Sec. OO-14. Transfer of authority enforce rules; rulemaking exemption. Notwithstanding the provision of any other law, rules that have been promulgated by the board and are in effect on the effective date of this legislation shall continue to remain in effect and be enforceable by the Department of Economic and Community Development. The Maine Administrative Procedure Act does not apply to any changes that must be made to such rules to reflect the relocation of the board from the Department of Public Safety to the Department of Economic and Community Development.

PART OO SUMMARY

This Part relocates the Technical Building Codes and Standards Board from the Department of Public Safety to the Department of Economic and Community Development. This Part also authorizes the Department of Public Safety to transfer, at the end of fiscal year 2018-19, any balance remaining in the Division of Building Codes and Standards program, Other Special Revenue Funds account related to the Maine Uniform Building and Energy Code, to the Department of Economic and Community Development, Community Development Block Grant Program. This Part also clarifies the fee schedule for construction, reconstruction, or repairs.

PART PP

Sec. PP-1. 5 MRSA §13090-N, is enacted to read:

§13090-N. Maine Office of Outdoor Recreation

The Maine Office of Outdoor Recreation is established within the Office of Tourism. The Director of the Maine Office of Outdoor Recreation is responsible for strengthening Maine's outdoor recreation economy and coordinating its promotion with the state agencies and the private sector.

**PART PP
SUMMARY**

This Part establishes the Office of Outdoor Recreation to bring awareness of Maine's outdoor recreation activities to Maine citizens and visitors. This office provides a single point person to coordinate awareness and the importance of outdoor recreation that will increase tourism and support statewide economic growth.

PART QQ

Sec. QQ-1. 35-A MRSA §9202, sub-§1, as enacted by PL 2005, c. 665, §3, is amended to read:

1. Advanced communications technology infrastructure. "Advanced communications technology infrastructure" means any communications technology infrastructure or infrastructure improvement that expands the deployment of, or improves the quality of, broadband availability and connectivity~~wireless service coverage~~.

Sec. QQ-2. 35-A MRSA §9203, sub-§6, repealed by PL 2015, c. 284, §5, is enacted to read:

6. Staff. Staff of the ConnectME Authority within the Department of Economic and Community Development shall have the power and duty to serve as the central broadband planning body for the State of Maine and shall support the ConnectME Authority in accordance with the provisions of this chapter.

Sec. QQ-3. 35-A MRSA §9204-A, sub-§3, as enacted by PL 2015, c. 284, §7, is amended to read:

3. Support local and regional broadband planning. The authority shall provide technical, planning and approve financial assistance to communities in the State that include unserved and underserved areas to identify the need for broadband infrastructure and services and develop and implement plans to meet those needs.

Sec. QQ-4. 35-A MRSA §9204-A, sub-§5, as enacted by PL 2015, c. 284, §7, is amended to read:

5. Facilitate state support of deployment of broadband infrastructure. The authority shall review, recommend and facilitate changes in laws, rules, programs and policies of the State and its agencies to further deployment of broadband infrastructure to all unserved and underserved areas of the State. The authority shall assist in identifying opportunities to use broadband infrastructure to achieve the state policies and goals as set out in section 9202-A and support coordination between communications providers and state and local governmental entities on initiatives where broadband infrastructure could be advanced~~including coordination with the statewide emergency radio network~~.

Sec. QQ-5. 35-A MRSA §9211-A, sub-§4 and sub-§7, as enacted by PL 2015, c. 323, §1, are amended to read:

4. Implementation grants; maximum awards. To the extent funds are available, the authority shall award implementation grants to achieve the purpose of the fund as described in subsection 3 as follows.

A. An implementation grant to an applicant may not exceed \$200,000 for each eligible project selected for funding.

B. An implementation grant may be awarded only to an applicant that has demonstrated to the satisfaction of the authority that it has ~~participated in a planning grant process as described~~ a viable plan similar to one created in subsections 5, 6 and 7.

C. Municipalities selected for funding must be required to provide a 25% cash match.

7. Cash match for planning grants; restrictions. The cash match required from the applicant for a planning grant under subsection 5 may consist of municipal appropriations, private funds, funding from economic development entities and funding from nonprofit entities. ~~The cash match for planning grants may not consist of funds provided by a vendor or private business that proposes to build, operate or provide retail services using the gigabit fiber optic broadband network.~~

PART QQ SUMMARY

This Part accomplishes the following:

1. It relocates the ConnectME Authority from the Office of Information Technology in the Department of Administrative and Financial Services to the Department of Economic and Community Development.
2. It clarifies certain statutory references relating the responsibilities of the ConnectME Authority.

PART RR

Sec. RR-1. 36 MRSA §4641-B, sub-§4-B, ¶E, as amended by PL 2017, c. 284, Pt. AAAAAAA, §1, is further amended to read:

E. In fiscal year 2015-16 and each fiscal year thereafter, the Treasurer of State shall credit the revenues derived from the tax imposed pursuant to section 4641-A, subsection 1 in accordance with this paragraph.

(1) At the beginning of the fiscal year, the Maine State Housing Authority shall certify to the Treasurer of State the amount that is necessary and sufficient to meet the authority's obligations relating to bonds issued or planned to be issued by the authority under Title 30-A, section 4864.

(2) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first pay revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Maine Energy, Housing and Economic Recovery Fund established in Title 30-A, section 4863, until the amount paid equals the amount certified by the Maine State Housing Authority under subparagraph (1), after which the Treasurer of State shall credit any remaining revenues available under this subparagraph to the General Fund.

(3) On a monthly basis, the Treasurer of State shall credit 50% of the revenues to the Maine State Housing Authority, except that, notwithstanding paragraph F, in fiscal year 2015-16, the Treasurer of State shall first credit \$6,291,740 of the revenues available under this subparagraph to the General Fund and except that, notwithstanding paragraph F, in fiscal year 2016-17, the Treasurer of State shall first credit \$6,090,367 of the revenues available under this subparagraph to the General Fund and except that, notwithstanding paragraph F, in fiscal years 2017-18 and 2018-19, the Treasurer of State shall first credit \$2,500,000 of the revenues available under this subparagraph to the General Fund and except that, notwithstanding paragraph F, in fiscal years 2019-20 and 2020-21, the Treasurer of State shall first credit \$2,500,000 of the revenues available under this subparagraph to the General Fund to be used in the Department of Economic and Community Development, Administration - Economic and Community Development program, General Fund account for the purpose of encouraging and supporting community and economic business growth. The Maine State Housing Authority shall deposit the funds received pursuant to this subparagraph in the Housing Opportunities fund.

Sec. RR-2. Appropriations and allocations. The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT. DEPARTMENT OF

Administration – Economic and Community Development 0069

Initiative: Provides one-time funding to encourage and support economic and business growth.

GENERAL FUND	2019-20	2020-21
Personal Services	<u>\$2,500,000</u>	<u>\$2,500,000</u>
GENERAL FUND TOTAL	\$2,500,000	\$2,500,000

**PART RR
SUMMARY**

This Part requires the Treasurer of State to first credit \$2,500,000 in fiscal year 2019-20 and \$2,500,000 in fiscal year 2020-21 of the revenues from the real estate transfer tax that would have been deposited into the Housing Opportunities for Maine Fund within the Maine State Housing Authority to the General Fund to be used in the Department of Economic and Community Development, Administration - Economic and Community Development program, General Fund account.

PART SS

Sec. SS-1. 5 MRSA §937, sub-§1, ¶F, as amended by PL 2015, c. 267, Pt. NN, §1, is further amended to read:

F. ~~Director, Policy and Programs~~ Director of Legislative Affairs; and

Sec. SS-2. 20-A MRSA §203, sub-§1, ¶F, as amended by PL 2011, c. 655, Pt. D, §8, is further amended to read:

F. ~~Director, Policy and Programs~~ Director of Legislative Affairs;

**PART SS
SUMMARY**

This Part changes the name of the Director, Policy and Programs to the Director of Legislative Affairs.

PART TT

Sec. TT-1. 20-A MRSA §203, sub-§1, ¶P is enacted to read:

P. Chief of Staff and Operations.

**PART TT
SUMMARY**

This Part adds a Chief of Staff and Operations position as a position appointed by the Commissioner.

PART UU

Sec. UU-1. 20-A MRSA §13406, as enacted by PL 2005 c. 635, §6 is amended to read:

Each school administrative unit shall establish a minimum salary of \$30,000 for certified teachers for the school year starting after June 30, 2007 ~~and in each subsequent school year~~ through June 30, 2020.

Sec. UU-2. 20-A MRSA §13407, is enacted to read:

§13407. Minimum salaries beginning in 2020-2021

Each school administrative unit shall establish a minimum salary of \$40,000 for certified teachers for the school year starting after June 30, 2020 and in each subsequent school year.

**PART UU
SUMMARY**

This Part changes the minimum certified teacher salary from \$30,000 to \$40,000 beginning with the school year starting after June 30, 2020 and in each subsequent school year.

PART VV

Sec. VV-1. Lease-purchase authorization; Maine learning technology. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Education may enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of portable learning devices and support systems for students and educators to support the operations of the Maine learning technology program. The financing agreements may not exceed 4 years in duration and up to \$50,000,000 in principal costs for the Maine learning technology program. The interest rate may not exceed 8% and the total interest costs may not exceed \$4,000,000. The annual principal and interest costs must be paid from the appropriate line category allocations in the Department of Education. The State is authorized to extend the provisions of the lease-purchase agreement on behalf of school administrative units as long as all costs of the extension are borne by the school administrative units.

PART VV SUMMARY

This Part authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators in fiscal years 2019-20 and 2020-21.

PART WW

Sec. WW-1. 38 MRSA §351, as as amended by PL 2011, c. 653, §§ 8 and 9, is further amended to read:

The Maine Environmental Protection Fund, referred to in this subchapter as "the fund," is established as a nonlapsing fund to supplement licensing programs administered by the Department of Environmental Protection. Except as otherwise provided in this section, all fees established under this subchapter must be credited to the fund, and administrative expenses directly related to licensing programs must be charged to the fund.

All fees related to metallic mineral mining applications and permits under section 352, subsection 4-A must be credited to the Metallic Mining Fund, Other Special Revenue Funds account, which is established as a subaccount of the Maine Environmental Protection Fund to provide for prompt and effective planning, oversight and implementation of metallic mineral mining operations.

Money in the fund not currently needed to meet the obligations of the department in the exercise of its responsibilities under its licensing programs shall be deposited with the Treasurer of State to the credit of the fund and may be invested in as provided by statute. Interest on these investments shall be credited to the fund.

~~Money in the fund may only be expended in accordance with allocations approved by the Legislature. These allocations shall be based on estimates of the actual costs necessary for the department to administer licensing and permitting programs.~~ Allowable expenditures include Personal Services, All Other and Capital Expenditures associated with prelicense or permit activities such as application reviews, public hearings and appeals, the actual license or permit processing activities and associated post-license or permit compliance activities required to assure continued licensee or permittee compliance and enforcement activities as a result of license or permit noncompliance.

The commissioner may, subject to the approval of the Governor, apply for, accept on behalf of the State and deposit to the fund, funds, grants, bequests, gifts or contributions from any person, corporation or governmental entity. The funds must be ~~allocated by the Legislature and~~ expended consistent with the purposes of the department as established in section 341-A.

PART WW SUMMARY

This Part eliminates the language that prohibits expenditures in the Environmental Protection Fund above allocations approved by the Legislature. This allows allotment increases by financial order in the Environmental Protection Fund when sufficient cash is available and is recommended by the State Budget Officer and approved by the Governor.

PART XX

Sec. XX-1. 27 MRSA §267 as amended by PL 2001, c. 439, Pt. O, §1 is further amended to read:

The actual cash expenses of the State Historian incurred while in the discharge of official duties, including any sum necessarily contracted by the State Historian for clerical assistance, must be paid from the State Treasury but may not exceed ~~\$500~~\$3,500 a year. Any portion of said amount may be expended by the State Historian, under the direction of the Governor, in the publication of historical matter and data relating to the history of the State. Funding for the activities of the State Historian must be appropriated to the Maine Historic Preservation Commission.

**PART XX
SUMMARY**

This Part increases the allowable reimbursement from the existing appropriation of the Maine Historic Preservation Commission.

PART YY

Sec. YY-1. 5 MRSA §1591, sub-§2, ¶C, as amended by PL 2013, c. 1, Pt. V, §1 is amended to read:

C. Any balance remaining in the General Fund account of the Department of Health and Human Services, ~~Bureau of Medical Services~~Office of MaineCare Services appropriated for All Other line category expenditures at the end of any fiscal year to be carried forward for use in the next fiscal year;

**PART YY
SUMMARY**

This Part updates the program name as it appears in statute.

PART ZZ

Sec. ZZ-1. 22 MRSA §254-D, sub-§4, ¶D, as amended by PL 2011, c. 657, Pt. HH §1 is further amended to read:

D. Income eligibility of individuals must be determined by this paragraph and by reference to the federal poverty guidelines for the 48 contiguous states and the District of Columbia, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2, Public Law 97-35, reauthorized by Public Law 105-285, Section 201 (1998). If the household income is not more than ~~175%~~185% of the federal poverty guideline applicable to the household, the individual is eligible for the basic program and the supplemental program. Individuals are also eligible for the basic and the supplemental program if the household spends at least 40% of its income on unreimbursed direct medical expenses for prescription drugs and medications and the household income is not more than 25% higher than the levels specified in this paragraph. For the purposes of this paragraph, the cost of drugs provided to a household under this section is considered a cost incurred by the household for eligibility determination purposes.

PART ZZ SUMMARY

This Part changes the household income guidelines in the Elderly low-cost drug program from 175% to 185% of the federal poverty level.

PART AAA

Sec. AAA-1. 22 MRSA §3172-B, as amended by PL 2011, c. 542, Pt. A, §§31 and 32 is repealed.

PART AAA SUMMARY

This Part repeals an outdated section of the Maine Revised Statutes that relates to the former Department of Mental Health and Corrections. The State no longer operates mental health institutions, and State fiscal year 2006-07 was the last year any revenue was realized.

PART BBB

Sec. BBB-1. 22 MRSA § 3174-G, sub-§1, ¶I is enacted to read:

I. An individual age 19 or 20, when the individual's family income is equal to or below 156% of the nonfarm income official poverty line.

Sec. BBB-2. 22 MRSA § 3174-G, sub-§1-E, is enacted to read:

1-E. Medicare Savings Program. The Department shall provide for the delivery of federally approved Medicare buy-in services and benefits to the following persons:

- A. A Qualified Medicare Beneficiary, an individual who is entitled to Medicare Part A or voluntarily enrolled in Medicare Part A, has income equal to or less than 150% of the nonfarm income official poverty line, and has liquid assets of no more than \$50,000 for an individual or \$75,000 for a couple.
- B. A Specified Low Income Medicare Beneficiary, an individual who is entitled to Medicare Part A or is voluntarily enrolled in Medicare Part A, has income over 150% of the nonfarm income official poverty line and equal to or less than 170% of the nonfarm income official poverty line, and has liquid assets of no more than \$50,000 for an individual or \$75,000 for a couple.
- C. A Qualifying Individual, an individual who is entitled to Medicare Part A or is voluntarily enrolled in Medicare Part A, has income more than 170% of the nonfarm income official poverty line but less than 185% of the nonfarm income official poverty line, and has liquid assets of no more than \$50,000 for an individual or \$75,000 for a couple.

Sec. BBB-3. Contingent effective date. Section 2 of this Part takes effect only if:

1. The Commissioner of the Department of Health and Human Services receives written approval for a Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services that increases the income eligibility levels for the Medicare savings program as follows: for the Qualified Medicare Beneficiary program, to income not more than 150% of the federal poverty level; for the Specified Low-Income Medicare Beneficiary program, to income more than 150% but not more than 170% of the federal poverty level; and for the Qualified Individuals program, to income more than 170% but not more than 185% of the federal poverty level.

2. The Commissioner of Health and Human Services notifies the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that written approval for the Medicaid state plan amendment or written notification that such a Medicaid state plan amendment has not been approved.

PART BBB SUMMARY

This Part codifies two types of eligibility and benefits that Maine already provides in its regulations. The first section requires the Department to provide Medicaid coverage to 19 and 20 year olds, which is an optional coverage group under federal requirements. The second section requires the Department to provide eligibility and benefits under the Medicare buy-in program. This Part also raises the income limits for the categories of buy-in above the levels currently established in rule.

PART CCC

Sec. CCC-1. 22 MRSA §3762 sub-§20, as amended by PL 2017, c. 407, Pt. A, §80 is repealed.

PART CCC SUMMARY

This Part repeals statutory provisions that impose additional eligibility criteria for applicants and recipients of the Temporary Assistance for Needy Families federal block grant.

PART DDD

Sec. DDD-1. 34-B MRSA §15004 as amended by PL 2005, c. 397, Pt. C, §20 is repealed.

**PART DDD
SUMMARY**

This Part repeals the Children's Mental Health Oversight Committee.

PART EEE

Sec EEE-1. 36 MRSA §2892, as amended by PL 2017, c. 284, Part III, §1 is further amended by:

§2892. Tax imposed

For the state fiscal year beginning on July 1, 2003, a tax is imposed against each hospital in the State. The tax is equal to .74% of net operating revenue for the tax year as identified on the hospital's most recent audited annual financial statement for that tax year. Delinquent tax payments are subject to Title 22, section 3175-C.

For state fiscal years beginning on or after July 1, 2004, a tax is imposed annually against each hospital in the State. The tax is equal to 2.23% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's taxable year. For the state fiscal year beginning July 1, 2004, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2002. For the state fiscal year beginning July 1, 2005, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2003. For state fiscal years beginning on or after July 1, 2006 but before July 1, 2008, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2004.

For state fiscal years beginning on or after July 1, 2008 but before July 1, 2010, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2006.

For state fiscal years beginning on or after July 1, 2010 but before July 1, 2013, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2008.

For state fiscal years beginning on or after July 1, 2013 but before July 1, 2017, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2012.

For state fiscal years beginning on or after July 1, 2017 but before July 1, 2019, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2014.

For state fiscal years beginning on or after July 1, 2019, for the biennium beginning on July 1, 2019, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2016, and subsequently for each biennium, the hospital taxable year is updated to the next even-numbered calendar year.

PART EEE SUMMARY

This Part updates the base year for the hospital tax.

PART FFF

Sec. FFF-1. PL 2007, c. 240, Pt. X, §2, as amended by PL 2017, c. 284, Pt. MMMM, §1, is further amended to read:

Sec. X-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, until June 30, ~~2019~~2021, available balances of appropriations in MaineCare General Fund accounts may be transferred between accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

**PART FFF
SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2020-2021 biennium.

PART GGG

Sec. GGG-1. Transfer of Personal Services balances to All Other; Office for Family Independence. Notwithstanding any other provision of law to the contrary, in fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations in the Office for Family Independence program and the Office for Family Independence – District program after all financial commitments for salary, benefit, other obligations and budgetary adjustments have been made to the All Other line category in either the Office for Family Independence program or the Office for Family Independence – District program for information technology and related services. 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 GGG SUMMARY

This Part authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence – District program to All Other line category in either the Office for Family Independence program or the Office for Family Independence – District program in order to provide information technology and related services.

PART HHH

Sec. HHH-1. Department of Health and Human Services; transfer of funds for MaineCare payments authorized. Notwithstanding any provision of law, for fiscal years 2019-20 and 2020-21 only, available balances of appropriations, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, including available balances of Personal Services appropriations from any account within the Department of Health and Human Services, may be transferred between MaineCare, MaineCare-related and non-MaineCare-related accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

Sec HHH-2. Transfer of Personal Services balances to All Other; state psychiatric centers. Notwithstanding any other provision of law, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category. 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 HHH SUMMARY

This Part does the following:

1. It authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare accounts.
2. It authorizes the Department of Health and Human Services to transfer by financial order available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program in order to provide flexibility in the payment of operational expenses.

PART III

Sec. III-1. Transfer of funds. Notwithstanding any other provision of law, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of All Other or Personal Services appropriations, after all salary, benefit and other obligations are met, in the Developmental Services - Community program account to the Personal Services line category of the Crisis Outreach Program account 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 III SUMMARY

This Part authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2020-2021 biennium.

PART JJJ

Sec. JJJ-1. Emergency rule-making authority; health and human services matters.

The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 as necessary to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other Part of this Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

PART JJJ SUMMARY

This Part authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART KKK

Sec KKK-1. Study on the new Medicaid Expansion population. The Department shall conduct a study of the new Medicaid expansion population. This study will examine the per capita cost of enrollees, changes in uncompensated care, reimbursement rates and revenue from Medicaid compared to other payers, value based purchasing options, previous insurance status of new members, the impact of the expansion on private insurers and the economy, and any other element to inform future policy decisions by the Department. Department shall fund this study within existing resources.

PART KKK SUMMARY

This Part gives the Department the authority to conduct a study on the new Medicaid expansion population.

PART LLL

Sec. LLL-1. 12 MRSA §10202, sub-§9, as amended by PL 2017, c. 284, Pt. VVVV, §1, is further amended to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the department. To achieve this goal, beginning with the ~~2020-2021~~2022-2023 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include an additional General Fund appropriation of 18% in excess of the department's requested biennial budget.

PART LLL SUMMARY

This Part amends the fiscal stability program to begin in the 2022-2023 biennium.

PART MMM

Sec. MMM-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before August 1, 2019, the State Controller shall transfer \$43,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations - Inland Fisheries & Wildlife program, General Fund account for the purchase of one replacement aircraft engine. On or before August 1, 2020, the State Controller shall transfer \$44,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations - Inland Fisheries & Wildlife program, General Fund account for the purchase of one replacement aircraft engine.

PART MMM SUMMARY

This Part transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations - Inland Fisheries & Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2019-20 and one replacement aircraft engine in fiscal year 2020-21.

PART NNN

Sec. NNN-1. Judicial Salary adjustment. Notwithstanding any provision of the Maine Revised Statutes, Title 4, effective July 1, 2019 and July 1, 2020, the State Court Administrator shall increase the salaries of the State's Chief Justices, Chief Judge, Deputy Chief Judge, Associate Justices, and Associate Judges, by 5% in total. The 2% costs above the 3% cost-of-living adjustment required in Maine Revised Statutes, Title 4, section 4, subsection 2-A, shall be provided in the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in the amount up to \$258,544 for the fiscal year ending June 30, 2020 and in the amount up to \$522,592 for the fiscal year ending June 30, 2021.

PART NNN SUMMARY

This Part provides for a raise of 5% for judges and justices of the state courts in fiscal years 2019-20 and 2020-21.

PART 000

Sec. 000-1. 2 MRSA §6, sub-§5, as amended by PL 2013, c. 405, Pt. A, §2, is further amended to read:

5. Range 86. The salaries of the following state officials and employees are within salary range 86:

~~Director of Labor Standards;~~
State Archivist;
Director, Division of Land Use Planning, Permitting and Compliance;
Chair, Maine Unemployment Insurance Commission;
Child Welfare Services Ombudsman; and
Director of the Maine Drug Enforcement Agency.

PART 000 SUMMARY

This Part removes the Director of Labor Standards from subsection 5. This bureau director position will be a Public Service Executive II position as are the other Department of Labor bureau directors.

PART PPP

Sec. PPP-1. 5 MRSA §48-A, sub-§1, ¶M, as amended by PL 2017, c. 223, §2, is further amended to read:

M. "Qualified legal interpreter" means a person who is licensed under Title 32, chapter 22 as a certified interpreter, certified deaf interpreter or certified transliterator and who:

(1) Is a hearing person who:

(a) Holds a current Specialist Certificate: Legal from the Registry of Interpreters for the Deaf, Inc. or its successor;

(b) Satisfies the eligibility criteria for taking the exam for the specialist certificate described in division (a) as long as, ~~by January 1, 2012,~~ that person obtains the specialist certificate described in division (a); or

(c) Is included on the bureau's list of qualified interpreters on the effective date of this section, as long as that person, ~~by January 1, 2006,~~ meets the eligibility criteria for taking the exam for the specialist certificate described in division (a) and, ~~by January 1, 2012,~~ obtains the specialist certificate described in division (a); or

(d) Possesses qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court; or

(2) Is a deaf interpreter who holds a current Certificate of Interpretation from the Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor. ~~Beginning January 1, 2006,~~ A deaf person, hard-of-hearing person or late-deafened person must also satisfy the eligibility criteria for taking the exam for the Specialist Certificate: Legal or its successor.

Sec. PPP-2. 5 MRSA §48-A, sub- §4, as amended by PL 2009, c. 174, §1, is repealed.

PART PPP SUMMARY

Section 1 of this Part removes outdated references to prior amendments. This Part also repeals the provision that sets aside funds from the Vocational Rehabilitation budget to reimburse attorneys for the costs of providing interpreting or CART services. Eliminating this provision will return such funds to supporting vocational rehabilitation services. This Part does not change the requirements under both state and federal law that attorneys provide qualified interpreting services when needed to represent their clients.

PART QQQ

Sec. QQQ-1. 5 MRSA §7054-C, as enacted by PL 2017, c. 261, §1, is amended to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Person with a disability" means a person who has a physical or mental impairment which substantially limits one or more of a person's major life activities~~been determined by a qualified professional to have a physical or mental impairment that constitutes a substantial barrier to employment but who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.~~

B. ~~"Qualified professional" means a vocational rehabilitation counselor or other professional with advanced disability training and certification.~~

C. "Special appointment program" means the program established by rule by the Department of Administrative and Financial Services, Bureau of Human Resources to provide persons with disabilities increased access to positions in the classified service.

D. ~~"Ticket to Work program" means the Ticket to Work and Self-Sufficiency Program under Section 1148 of the federal Social Security Act.~~

2. Interview. In filling a position in the classified service, the employing agency shall offer an interview to a person with a disability ~~who is eligible for the Ticket to Work program and who meets the minimum qualifications established for the position and to a person who has been determined by a qualified professional to have a disability and who meets the minimum qualifications established for the position.~~

3. Guidance and referral if not hired. If a person with a disability applies for a position described in subsection 2 but is not selected, the Department of Administrative and Financial Services, Bureau of Human Resources shall provide guidance to the person regarding other available state positions, ~~including opportunities in the special appointment program,~~ for which the person might qualify. The Bureau of Human Resources may also refer the person to the Department of Labor, Bureau of Rehabilitation Services for potential vocational rehabilitation services, including opportunities in the special appointment program~~if the person has not been referred by a qualified professional.~~

4. Retention preference. In any reduction in personnel in the state service, employees who are ~~eligible for the Ticket to Work program or who are persons with disabilities~~ must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews.

5. Right to nondisclosure. A person with a disability ~~or who is eligible for the Ticket to~~

~~Work program~~ has the right to not disclose that person's disability at the time of hire but may not assert a right to a retention preference pursuant to subsection 4 at a later date.

PART QQQ SUMMARY

This Part amends the preference in state hiring that grants an interview to a person with a disability who meets the minimum qualifications for any open position to comply with the American Disabilities Act. If the person is not selected for the position, the Department of Administrative and Financial Services, Bureau of Human Resources must provide guidance to the person regarding other available state positions for which the person might qualify. The bureau may also refer the person to the Department of Labor, Bureau of Rehabilitation Services for vocational rehabilitation services, including opportunities in the special appointment program.

PART RRR

Sec. RRR-1. 26 MRSA §1082, sub-§12, as amended by PL 1983, c. 351, §13, is amended to read:

12. Reciprocal benefit arrangements. The commissioner shall participate in any arrangements with the appropriate agencies of other states or the Federal Government for the payment of benefits on the basis of combining an individual's wages and employment covered under this chapter and his wages and employment covered under the unemployment compensation or employment security laws of other states which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under 2 or more state unemployment compensation laws, and avoiding the duplicate use of wages and employment by reason of such combining. The commissioner shall reimburse such state or federal agency for such benefits as may be paid by that agency upon the basis of wages received in employment subject to this chapter or shall receive from such state or federal agency such amounts as may be paid from the fund upon the basis of wages received in employment subject to the laws of such state or of the Federal Government.

The commissioner is authorized to enter into reciprocal agreements with the appropriate agencies of other states or the Federal Government adjusting the collection and payment of contributions by employers with respect to services of individuals not performed wholly within the jurisdiction of this State whereby such services may be agreed upon to be considered for all purposes, if the commissioner so desires, as wholly within, or wholly without, the jurisdiction of this State, notwithstanding any provisions of section 1043, subsection 11.

The commissioner is authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this chapter as he deems necessary or appropriate to facilitate the administration of any unemployment compensation, employment security or public employment service law, and in like manner to accept and utilize information, services and facilities made available to this State by any agency charged with the administration of any such other unemployment compensation, employment security or public employment service law. To the extent permissible under the laws and Constitution of the United States, the commissioner is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation or employment security laws of any foreign government may be utilized for the taking of claims and the payment of benefits under this chapter, or under a similar law of such government. ~~On request of any agency which administers an employment security law of another state, and which has found in accordance with such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this State as an agent for such agency, the commissioner may collect from such claimant the amount of such benefits to be refunded to such agency.)~~ The commissioner, by agreement with another state or the United States, as provided under Section

303(g) of the Social Security Act, may recover any overpayment of benefits paid to any individual under the laws of this state or of another state or under an unemployment benefit program of the United States. Any overpayments subject to this subsection may be deducted from any future benefits payable to the individual under the laws of this state or of another state or under an unemployment program of the United States.

In any case in which under this subsection a claimant is liable to repay any amount to the agency of another state, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency.

PART RRR SUMMARY

This Part would allow the Labor Commissioner to enter into reciprocal agreements with other states to recover overpayment of UI benefits owed in this state.

PART SSS

Sec. SSS-1. 26 MRSA §1192, sub-§11, as amended by PL 1991, c. 377, §14, is further amended to read:

11. Benefit payments to illegal aliens. ~~On and after January 1, 1978, b~~Benefits are not payable on the basis of services performed by an alien unless the alien is an individual who was lawfully admitted for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was permanently residing in the United States under color of law at the time the services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status must be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status may be made except upon a preponderance of the evidence.

PART SSS SUMMARY

This Part removes the term “illegal” from the eligibility for unemployment insurance benefits to reflect existing state and federal laws requiring that an individual who is an alien be lawfully residing in the United States and be eligible to work to receive unemployment benefits.

PART TTT

Sec. TTT-1. 26 MRSA §1221, sub-§3, ¶A, as amended by PL 2017, c. 284, Pt. CCCCC, §2, is further amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the commissioner shall establish and maintain, until the employer status is terminated, for the employer an experience rating record, to which are credited all the contributions that the employer pays on the employer's own behalf. This chapter may not be construed to grant any employer or individuals in the employer's service prior claims or rights to the amounts paid by the employer into the fund. Benefits paid to an eligible individual under the Employment Security Law must be charged against the experience rating record of the claimant's most recent subject employer, except that, beginning January 1, ~~2018~~2022, benefits paid to an eligible individual under the Employment Security Law must be charged against the experience rating record of the claimant's employers in a ratio inversely proportional to the claimant's employment beginning with the most recent employer, or to the General Fund if the otherwise chargeable experience rating record is that of an employer whose status as such has been terminated; except that no charge may be made to an individual employer but must be made to the General Fund if the commission finds that:

- (1) The claimant's separation from the claimant's last employer was for misconduct in connection with the claimant's employment or was voluntary without good cause attributable to the employer;
- (2) The claimant has refused to accept reemployment in suitable work when offered by a previous employer, without good cause attributable to the employer;
- (3) Benefits paid are not chargeable against any employer's experience rating record in accordance with section 1194, subsection 11, paragraphs B and C;
- (5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12, as long as the wages of the claimant transferred to the other state, the Virgin Islands or Canada under such an arrangement are less than the amount of wages for insured work required for benefit purposes by section 1192, subsection 5;
- (6) The claimant was hired by the claimant's last employer to fill a position left open by a Legislator given a leave of absence under chapter 7, subchapter 5-A, and the claimant's separation from this employer was because the employer restored the Legislator to the position after the Legislator's leave of absence as required by chapter 7, subchapter 5-A;
- (7) The claimant was hired by the claimant's last employer to fill a position left open by an individual who left to enter active duty in the United States military, and the claimant's separation from this employer was because the employer restored the military serviceperson to the person's former employment upon separation from military service;

(8) The claimant was hired by the claimant's last employer to fill a position left open by an individual given a leave of absence for family medical leave provided under Maine or federal law, and the claimant's separation from this employer was because the employer restored the individual to the position at the completion of the leave; or

(9) The claimant initiated a partial separation or reduction of hours and that partial separation or reduction of hours was agreed to by the employee and employer.

**PART TTT
SUMMARY**

This Part extends the begin date until January 1, 2022 for changes to the experience rating record of the most recent subject employer.

PART UUU

Sec. UUU-1. 26 MRSA §1419, sub-§1, ¶B-2, as amended by PL 2011, c. 173, §1, is further amended to read:

B-2. "Specialized customer communications equipment" means communications equipment used by persons with disabilities to conduct telephone communications ~~or equipment that provides or assists in providing emergency alert notification to deaf persons or hard of hearing persons.~~ "Specialized customer communications equipment" includes but is not limited to teletypewriters, artificial larynges, signaling devices, amplified handsets, telecoil technology, large number dial overlays, direct telephone dialing, and fax machines, ~~equipment necessary to use short message services or text message services and other equipment used by persons with disabilities to provide access to telephone networks and equipment that provides or facilitates emergency alert notification to deaf persons or hard of hearing persons.~~

Sec. UUU-2. 26 MRSA §1419-A, sub-§6, as amended by PL 2009, c. 174, §21 is repealed.

Sec. UUU-3. 35-A MRSA §7104, sub-§5, as amended by PL 2007, c. 224, §3, is further amended to read:

5. Funds for Communications Equipment Fund. The commission shall annually transfer \$85,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A.

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the \$85,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional \$100,000.

~~The commission may, upon the request of the Department of Labor, Bureau of Rehabilitation Services and after a finding that the funds are necessary and that sufficient attempts have been made by the Bureau of Rehabilitation Services to maximize federal support to support emergency alert telecommunications service, annually transfer up to \$57,500 from the state universal service fund established by this section to the Communications Equipment Fund established under Title 26, section 1419 A for the exclusive purpose of supporting the discount program established under Title 26, section 1419 A, subsection 6.~~

The commission may require contributions to the state universal service fund in an amount necessary to collect amounts transferred pursuant to this subsection.

**PART UUU
SUMMARY**

Section 1 of this Part modernizes the regulations of the Department of Labor, Bureau of Rehabilitation Services and of the Public Utilities Commission relating to telecommunications equipment funding for the Deaf and Hard of Hearing to reflect changes in technology and the use of such services by individuals with hearing loss. Section 2 of this Part repeals the language for Department of Labor relating to the Emergency alert telecommunications service as this service is no longer necessary. Finally, section 3 of this Part repeals the language for Public Utilities Commission relating to the Emergency Alert Telecommunications service as this service is no longer necessary.

PART VVV

Sec. VVV-1. 26 MRSA §2025, as enacted by PL 1991, c. 807, §2 is repealed.

PART VVV SUMMARY

This Part repeals an unfunded mandate required of the Department of Labor to provide monthly written reports to the joint standing committee of the Legislature having jurisdiction over labor matters and to report annually in person to the committee.

PART WWW

Sec. WWW-1. 26 MRSA §3101-A, as enacted by PL 2017, c. 110, §25, is amended to read:

§3101-A. Report required

The Department of Labor ~~by September 1st~~ annually shall provide to the joint standing committee of the Legislature having jurisdiction over labor matters the same expenditures and outcomes report provided to the United States Department of Labor for the programs operated under the federal Workforce Innovation and Opportunity Act, Public Law 113-128, and as required by that act.

PART WWW SUMMARY

This Part amends language to align state reporting with federal requirements. Federal report dates change slightly each year, but have never been requested prior to October 1.

PART XXX

Sec. XXX-1. 2 MRSA §6, sub-§2, as amended by PL 2017, c. 284, Pt. QQQQQ, §1, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;

Superintendent of Consumer Credit Protection;

State Tax Assessor;

Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

Two deputy commissioners, Department of Administrative and Financial Services;

Deputy Commissioner, Department of Corrections;

Public Advocate;

Two deputy commissioners, Department of Health and Human Services;

Chief Information Officer;

Associate Commissioner, Department of Corrections;

Chief of State Police;~~and~~

Securities Administrator, Office of Securities; ~~and~~

Director, Office of Professional and Occupational Regulation

Sec. XXX-2. 2 MRSA §6, sub-§4, as amended by PL 2015, c. 267, Pt. III, §1 and Pt. RRR, §2, is further amended to read:

4. Range 88. The salaries of the following state officials and employees are within salary range 88:

Director, Bureau of Air Quality;

Director, Bureau of Water Quality;

Director, Bureau of Land Resources;

Director, Bureau of Remediation and Waste Management;

Deputy Commissioner, Environmental Protection; and

~~Director, Office of Professional and Occupational Regulation; and~~

Deputy Chief of the State Police.

PART XXX
SUMMARY

This Part increases the salary range of the Director, Office of Professional and Occupational Regulation position from range 88 to range 90 in the Department of Professional and Financial Regulation. This reorganization will align the salary for this position with other regulatory agency heads in the department.

PART YYY

Sec. YYY-1. 14 MRSA §6112, sub-§4, as enacted by PL 2009, c. 402, § 15, is amended to read:

4. Funding. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall ~~establish a nonlapsing, dedicated account for the deposit of~~ revenues transferred from the Department of Administrative and Financial Services, Maine Revenue Services pursuant to Title 36, section 4641-B, subsection 6 and ~~for any funds received~~ from any public or private source. The Bureau of Consumer Credit Protection shall use the ~~account~~funds to cover the costs of carrying out the duties in this section and section 6111, subsections 3-A, 3-B and 4-A, and the funds ~~in the account~~ may not be used for any other purpose.

Sec. YYY-2. 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 in the Other Special Revenue Funds, Statewide Outreach account to the Other Special Revenue Funds, Bureau of Consumer Credit Protection account which are both within Bureau of Consumer Credit Protection program in the Department of Professional and Financial Regulations

PART YYY SUMMARY

This Part consolidates the Statewide Outreach account into Bureau of Consumer Credit Protection account within the Bureau of Consumer Credit Protection program to increase operational efficiency and maintain foreclosure operations.

PART ZZZ

Sec. ZZZ-1. Carrying provision; Department of Secretary of State, Elections and Commissions. Notwithstanding any other provision of law, the State Controller shall carry forward any unexpended balance in the All Other line category at the end of fiscal year 2019-20 to the next fiscal year in the Department of Secretary of State, Elections and Commissions program to be used as match for the federal Help America Vote Act.

PART ZZZ SUMMARY

This Part carries forward unexpended All Other funds as of June 30, 2020 in the Department of Secretary of State, Elections and Commissions program to the next fiscal year.

PART AAAA

Sec. AAAA-1. Carry balance fiscal year 2018-19; Office of Treasurer of State, Debt Service. Notwithstanding any other provision of law to the contrary, the State Controller shall carry any remaining fiscal year 2018-19 balance in the Office of Treasurer of State, Debt Service - Treasury program into fiscal year 2019-20.

Sec. AAAA-2. Carry balance fiscal year 2019-20; Office of Treasurer of State, Debt Service. Notwithstanding any other provision of law to the contrary, the State Controller shall carry any remaining fiscal year 2019-20 balance in the Office of Treasurer of State, Debt Service – Treasury program into fiscal year 2020-21.

PART AAAA SUMMARY

This Part authorizes the balances in the Office of Treasurer of State, Debt Service - Treasury program to carry in this program to be used for the same purpose over the 2020-2021 biennium.

PART BBBB

Sec. BBBB-1. Transfer to the MaineCare Stabilization Fund. The State Controller shall transfer \$29,000,000 from the Fund for a Healthy Maine dedicated revenue, excluding slot machine income credited to the Fund for a Healthy Maine in Title 8, section, 1036, to the MaineCare Stabilization Fund established in the Maine Revised Statutes, Title 22, section 3174 on or before June 30, 2019.

Sec. BBBB-2. Transfer for MaineCare payments. The State Controller shall transfer from the balance available in the MaineCare Stabilization Fund established in the Maine Revised Statutes, Title 22, chapter 3174, for MaineCare payments in the Department of Health and Human Services up to \$29,000,000. Amounts transferred may be expended based on allotment established by financial order approved by the Governor. The amounts transferred are considered adjustments to appropriations. The Governor shall inform the Legislative Council and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services immediately upon such a transfer from the MaineCare Stabilization Fund.

PART BBBB SUMMARY

This Part transfers \$29,000,000 from the Fund for a Healthy Maine dedicated revenue to the MaineCare Stabilization Fund during fiscal year 2018-19. This Part also authorizes a transfer from the MaineCare Stabilization Fund for MaineCare payments. The amount transferred from the MaineCare Stabilization Fund may not exceed \$29,000,000.

PART CCCC

Sec. CCCC-1. Department of Health and Human Services; transfer of funds from All Other. Notwithstanding any other provision of law, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services may transfer from available balances of appropriations in the All Other Line Category after the deduction of all appropriations, financial commitments, other designated funds or any other transfer authorized by statute, from any account within the Department of Health and Human Services, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, for the purpose of the Evergreen project which includes the modernization of and merging of Enterprise Information System and legacy systems within the Department of Health and Human Services, by financial order upon the recommendation of the State Budget Officer and approval of the Governor. This transfer is not considered an adjustment to appropriations.

PART CCCC SUMMARY

This part authorizes the Department to transfers available All Other balances of appropriations for the purpose of the Evergreen project which includes modernization of and merging of Enterprise Information System and legacy systems within the Department of Health and Human Services.